

Draft

COMMISSION DECISION

of [...]

APPROVING THE 2008 ANNUAL ACTION PROGRAMME AND OF THE PROGRAMME FOR "COOPERATION WITH THIRD COUNTRIES IN THE AREA OF MIGRATION AND ASYLUM" (Budget line 19.02.01.)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006, establishing a financing instrument for development cooperation¹, and in particular Article 22(1), (2) and (3) thereof, Whereas:

(1) The commitment appropriations for line 19.02.01. of the general budget of the European Union, approved by the budgetary authority, amount to EUR 47.12 M.

(2) The present decision constitutes a financing decision within the meaning of Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities² and Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of the Financial Regulation applicable to the general budget of the European Communities³.

(3) In accordance with Article 36, (Title IV) of Regulation (EC) No 1905/2006 (DCI)⁴, the Commission may decide when adopting action programmes referred to in Article 22, or the special measures referred to in Article 23, that countries, territories and regions eligible for Community assistance under Regulation (EC) No 1085/2006 or Regulation (EC) No 1638/2006 and the EDF are eligible for measures under this Regulation where the geographic or thematic project or programme to be implemented is of a global, regional or cross border nature

(4) The measures envisaged by this Decision are in accordance with the opinion of the Committee established by Article 26(1) of Regulation (EC) No 1905/2006⁵,

¹ OJ L 378, 27.12.2006, p. 41.

² OJEU L 248 of 16.09.2002 p. 1..

³ OJEU L 357 of 31.12.2002, p.1..

⁴ OJ L 378, 27.12.2006, p. 41.

⁵ OJ L 378, 27.12.2006, p. 41.

HAS DECIDED AS FOLLOWS:

Article 1

The Commission hereby adopts the 2008 Annual Action Programme of cooperation with third countries in the area of migration and asylum (in annex) to be financed from line 19.0201 of the general budget of the European Union for 2008 up to a maximum amount of EUR 15 M for the actions indicated in the Memorandum as well as up to € 32.12 M for the Call for Proposals 2007/2008 launched on 14 December 2007, for which Decision E/2411/2007 concerning the Annual Action Plan 2007 and partial Annual Action Plan for 2008 as far as the Call for Proposals is concerned proposed EUR 33 M.

Due to the financial availability of budgetary resources, this proposed allocation has been reduced by the budgetary authority, to EUR 32.12 M for this Call for Proposals 2007/2008.

Article 2

The Commission shall allocate a maximum of EUR 3 M to finance a project to be implemented by the International Centre for Migration Policy Development (ICMPD), aimed at creating an EU Member States experts facility to assist third countries in the prevention and management of irregular migration.

Article 3

The Commission shall allocate a maximum of EUR 3 M to a project to be implemented by the United Nations Office for Drugs and Crime (UNODC), aimed at assisting third countries in the ratification and implementation of the two Protocols on smuggling of and trafficking in human beings of the Convention on Trans-national organised crime signed in December 2000 in Palermo (Italy).

Article 4

The Commission shall allocate a maximum of EUR 3 M, for the implementation of a project in order to support the Regional Protection Programmes already ongoing in Eastern Europe and in the Great Lakes region, to be managed by the United Nations High Commissioner for Refugees Office (UNHCR) in order to cover a number of priority actions which were recently identified by the UNHCR, the Commission, the EU Member States and the beneficiary countries.

Article 5

The Commission shall allocate a maximum of EUR 3 M for an action to be implemented by the Swedish Public Employment Service in partnership the relevant public bodies of several EU Member States in order to support the Mobility Partnership with the Republic of Moldova.

Article 6

The Commission shall allocate a maximum of EUR 1 M for an action to be implemented by the Portuguese Institute for Assistance to Development in partnership with the relevant public bodies of several EU Member States to support the Mobility Partnership with Cape Verde

Article 7

The Commission shall allocate a maximum of EUR 2 M to support a project to support to the Libyan authorities in the prevention of irregular migrations through Libya's Southern Borders.

Article 8

Within the global indicative budget of all the specific actions, cumulated changes not exceeding 20% of the maximum contribution of the Community, shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the Annual Action Programme.

Done at Brussels, [...]

For the Commission,

[...]

Member of the Commission

**ACTION FICHE FOR A GLOBAL INITIATIVE UNDER THE THEMATIC
PROGRAMME FOR THE COOPERATION WITH THIRD COUNTRIES IN THE AREAS
OF MIGRATION AND ASYLUM**

1. IDENTIFICATION

Title/Number	Strengthening Republic of Moldova capacity to manage labour and return migration within the framework of the mobility partnership with the EU		
Total cost	€ 3 Million EC contribution € 200.000 Italy, other possible contributions from Sweden, Cyprus etc.		
Aid method / Management mode	Project approach Direct centralised management		
DAC-code	15140	Sector	Government administration

2. RATIONALE

2.1. Sector context

The principal objective of the EC assistance to Republic of Moldova over the period covered by the Country Strategy Paper (2007-2010) is to support the development of an increasingly close relationship between the EU and Republic of Moldova in the context of the European Neighbourhood Policy (ENP) and based on the policy objectives defined in the Partnership and Cooperation Agreement (PCA) and the EU-ENP Action Plan.

Migration is an important element in this cooperation. Until date, the cooperation has focused mainly on illegal migration and trafficking in human beings, asylum policy and border management and only to a limited extent on enhancing legal mobility of Moldovan's Republic citizens. The actions to improve the management of labour migration and of the capacity to prevent the negative consequences of migration on development while enhancing its positive effects have only recently started to receive more attention under this cooperation.

Within the framework of the Commission Communication of May 2007 on *Circular migration and mobility partnership between the European Union and Third countries* and following the Council Conclusions from December 2007 calling for the Commission and the EU Member States to establish a pilot mobility partnership with Republic of Moldova, this project has as overall objective to promote legal mobility between Republic of Moldova and the EU.

The Project is in line with and contributes to the implementation of the following national Moldovan's Republic strategic documents:

1. The National Development Strategy 2008–2011 which foresees regulation of labour migration (bi-lateral agreements on labour migration and social protection); promotion of

circular migration initiatives, in particular with EU and its Member States and return of migrants to the country;

2. The National Employment Strategy 2007–2015 establishes as one priority objective *Management of the migration impact on the labour market to reduce the negative consequences and reinforce the positive effects of migration.*

2.2. Lessons learnt

As underlined in numerous publications by EC services, international organisations and independent scholars, migration is a main challenge for Republic of Moldova, impacting on its economy, society and culture. Economic migration from Republic of Moldova has been significant (around 40 % of the active workforce, according to the IOM/CBS-Axa Survey, 2006), mainly to Southern and South-Eastern Europe. It seems that the majority of these cases are linked to illegal employment, either because the legal possibilities are limited, or migrants are not aware of them. According to ICMPS data, Moldovan's Republic nationals are also among the top victims of trafficking. According to the Republic of Moldova Microfinance Alliance Study from 2004, more than 25 % of Republic of Moldova's migrant workers have a higher education and 80 % suffer from deskilling. Deskilling and brain drain are key issues to be addressed in Republic of Moldova, as these phenomena hamper overall development. Moreover, Republic of Moldova also faces serious labour shortages in several sectors of its economy. 30 % of Republic of Moldovan GDP comes from remittances (in 2007, remittances through official channels amounted to 1,2 billion USD).

All of the above points to a need to further enhance capacities of Moldovan's Republic authorities to improve the overall migration management in all its aspects. The current situation thus calls for several types of measures, all encompassed within a comprehensive and coordinated framework, where each measure would have a clear added value: to offer more legal employment possibilities, to counteract the labour-drain and respond to the deskilling/brain-drain challenge.

2.3. Complementary actions

In Republic of Moldova, a number of actions are already being carried out, which are clearly preparatory and complementary to the current project. Among these actions the following ones should be mentioned in particular. The EC thematic AENEAS programme is funding:

a) **“Safe bridges for migrant workers”**: pilot initiatives in Republic of Moldova and Ukraine, implemented by the Istituto Sindacale per la Cooperazione allo Sviluppo with several other partners located in Italy, Republic of Moldova and Ukraine. This project makes use of the network provided by trade union structures in these two countries in order to provide information on legal conditions of entering and working in the EU, to find legal job placements in the EU, to provide support to would-be migrants in introducing their CVs and protection against abuses and lack of information;

b) The project **"Brain-network"** is implemented by the University of Rome together with several other partners in Spain, Republic of Moldova and Ukraine which is aimed at creating an efficient and self-sustainable support programme aimed at the reintroduction of young, medium and highly skilled Eastern European migrants in their countries of origin after an experience of on-the-job training in the EU (circular migration and fight against brain drain).

c) "**Beyond Poverty Alleviation**", a project implemented by the International Organisation for Migration and the International Labour Organisation with the objective of developing a legal, regulatory and institutional framework for leveraging migrant remittances for entrepreneurial growth;

d) "**Elimination of human trafficking through labour market based measures in Ukraine and Republic of Moldova**", a project implemented by the International Labour Organisation. Its focus is to raise awareness among potential migrants in these two countries about the risks of becoming victims of traffickers; to spread information about rules of legal entry, stay and work abroad; as well as on job vacancies available inside of Republic of Moldova and abroad.

The Swedish development Agency (SIDA) is funding three projects relevant in this area:

e) "**Republic of Moldova: Active Labour Market Policies; Support to the Vocational Training Services**", implemented by Hifab International, which aims at supporting the comprehensive reform of the VET system in Republic of Moldova and strengthening of the public vocational education and training system, in partnership with the Moldovan's Republic Ministries of Youth and Education, and of the Economy and Trade;

f) "**Providing Support to the Public Employment Services (PES) in Republic of Moldova**", implemented by the Swedish Public Employment Service (Swedish PES - former Swedish National Labour Market Board – AMS) with the following four specific objectives:

1. Modernising the information flows and forms of analyses that facilitate a flexible and demand-driven matching of job-seekers, job availabilities and training possibilities
2. Increasing the use of new methods and services at the PES nationwide as well as the further development of methods within the existing pilot offices/centres;
3. Providing better services to the most vulnerable groups – the result of a more inclusive labour market policy.
4. Improving the social dialogue concerning active labour market policy

g) "**Capacity Building for Developing Migration Management Procedures and Migration Policies in the Republic of Moldova**" (implemented by IOM).

The activities include the development of a migration legislative framework; research on migration patterns, visa systems and out-of-country voting possibilities; creation of data systems with follow-up training and network visits; and analytic development trainings focused on international migration law, project development and computer literacy.

Finally the project complements the activities foreseen under the EC project to be funded under the National ENPI Action Plan 2008: "**Justice, liberty and security – Improving border and migration management in the Republic of Moldova**".

2.4. Donor coordination

The current project has been identified through an active process of consultation which involved all the EU Member States, as well as Moldovan's Republic authorities, within the framework of the preparation of the Mobility Partnership between the EU and Republic of Moldova. The close coordination and cooperation in the preparations of this project will continue and also involve any other relevant actors in this area, notably under the foreseen establishment of a Migration Cooperation Platform in Republic of Moldova. The selected consortium will ensure complementarity and possible synergies with other actions carried out in the same area, including with the commitments envisaged under the Joint declaration on a Mobility Partnership between the European Union and the Republic of Moldova.

3. DESCRIPTION

3.1. Objectives

The **Overall Objective of the Action** is to promote legal mobility between the Republic of Moldova and the EU.

Specific Objective 1: to encourage Moldovans willing to emigrate to the EU to make use of legal channels of emigration, and facilitate for them finding jobs up to their skills or acquiring skills up to the proposed jobs.

Specific Objective 2: to facilitate the smooth reintegration into the Moldovan's Republic labour market of Moldovans voluntarily or forcibly returning home from the EU, and help Moldovan's Republic migrants to make the best possible use of the skills and resources acquired through the experience of migration for the benefit of their own and the Republic of Moldova's development.

3.2. Expected results and main activities

The **first specific objective** is composed of the following expected results and related activities:

Expected results:

- 1) Encouraged use of existing legal channels for mobility and increased opportunities for labour migration towards the EU;
- 2) Enhanced possibility to protect Republic of Moldova's migrants' rights;
- 3) Increased knowledge, among the Republic of Moldova population, of the rules for legal mobility and residence in the EU; increased awareness of the risks connected to illegal migration, especially among vulnerable groups such as young women.

Indicative activities:

- 1) Experts' support to Republic of Moldova authorities in the negotiation (and implementation) of labour migration and social protection bilateral agreements between Republic of Moldova and interested EU MS and in the exchange of experiences and best practice;
- 2) Support to National Employment Agency of Republic of Moldova to provide assistance – directly or through its local offices- to Moldovans looking for information as regard to the possibility to find labour opportunities abroad, including by enhancing its capacity to establish cooperation with labour agencies and employers' organisations in the EU MSs interested to cooperate in this area, and to collect information through EURES system and open sources
- 3) Dissemination of information – through any channels available in Republic of Moldova on rules of legal entry, stay, living and work conditions and opportunities in the EU in general and in the specific EU MSs (specific country guides) as well as on the risks linked to irregular migration, including the risk of becoming victims of traffickers' networks. Information will be disseminated through various media, such as leaflets, billboards, information posters, TV spots, websites, as well as through the local employment offices of the NEA;

4) Support to the National Employment Agency capacity to assist Moldovans planning to emigrate by offering them tailor-made pre-departure trainings, informing them about the administrative requirements set by the EU MS of destination for legal entry stay and work, and helping them to cope with these requirements.

The **second specific objective** is composed of the following expected results and related activities:

Expected results:

1) Strengthened capacity of Republic of Moldova's authorities to collect and provide information on job vacancies available in Republic of Moldova and to promote and support the return back of Republic of Moldova's migrants into the Republic of Moldova labour market;

2) Increased opportunity for ns voluntarily or forcibly returning back home to smoothly reintegrate the Republic of Moldova's labour market;

3) Increased capacities of the Republic of Moldova's authorities to maintain and develop the contacts with the Republic of Moldova's nationals residing abroad and to elaborate specific policies addressing diasporas in the main destination countries;

4) Enhanced possibility for Republic of Moldova's migrants in the EU to receive information facilitating the cheaper transfer of remittances back home and their best use of income generating purposes;

5) Increased knowledge of the size and characteristics of migration flows by the Republic of Moldova's authorities.

Indicative activities:

1) The Republic of Moldova's National Employment Agency (NEA) will identify available job vacancies in Republic of Moldova and provide vocational training to the selected candidates. Functions currently performed by the agency will be expanded both in terms of services provided (homepage, vacancies bank, CV database, call centre, e-mail address) and in terms of target beneficiaries as to include Republic of Moldova's returnees from an EU Member State (both forced and voluntary returnees), who will now have access to the information about the employment offers and will receive support prior to and after their return. Within this component the homepage of the NEA and its vacancy bank will be developed. A CV database, containing information on Moldovans at home and abroad will be created.

2) Organization of a set of Job Fairs in the main EU host countries in order to motivate migrants to come back. The project may also help to put in place specific incentives contributing to induce highly-skilled members of the Republic of Moldova's diaspora to return to their origin country as well as assistance modules for entrepreneurial starting up.

3) Support to the establishment in the Republic of Moldova's Consular Offices in the main destination countries of desks able to respond to requests of information and support of Moldovans residing in EU MSs on issues of concern for them (return, job opportunities in Republic of Moldova, national employment and entrepreneurial policies, prevention of exploitation and trafficking, channels for cheaper transfer of remittances etc.).

4) Consolidation of the activity of the National Bureau of Statistics aimed at estimating the size and characteristics of migration flows, including the trends and social and economic consequences of labour migration and identifying in advance areas where Republic of Moldova's labour market is going to miss manpower or skilled workers, particularly by the use of a template of an extended migration profile.

3.3. Risks and assumptions

The ownership and commitment to the Action of the Republic of Moldova's authorities need to continue. The main condition of the success of the project is to assure the leadership of the National Employment Agency of Republic of Moldova or any other bodies related to NEA. However, the previous experience of the Swedish Labour Market Board and fruitful cooperation with NEA assures positive development in this regard.

The Action forms an important part of the long-term process of the Mobility Partnership with Republic of Moldova, and therefore it is of interest of the EU Member States, the Commission and Republic of Moldova's partners to assure the sustainability of the commitments taken in this process.

A crucial condition for the success of the project is that all the parties involved play a proactive role. One key assumption is that the participating Member States will be proactive in providing information on concrete job vacancies available to Republic of Moldova's migrants. A stable commitment from the Republic of Moldova's government's side to improve its migration management in a comprehensive manner is equally important.

It is an assumption that the Parliament adopts the draft law on labour migration and implements it, as well as the ILO and CoE Conventions of Migrant Workers.

Limited human capacities within the relevant institutions could hamper the impact of the Action. In order to limit this risk the project activities, especially the ones related to the NEA, have been designed as much as possible as a continuation of previous activities.

Coordination among project activities and the commitments envisaged under the Joint declaration on a Mobility Partnership between the European Union and the Republic of Moldova will require considerable efforts throughout the implementation of the project. In this respect the setting up of a consortium among institutional stakeholders appears to be the most suitable form to ensure coordination and maximise the results.

The possibility for the component of the project dealing with emigration of Moldovans towards the EU to be implemented will depend very much on the will of the relevant EU MSs and of the Republic of Moldova's authorities to cooperate in this endeavour. The possibility for the component of the project dealing with return of Republic of Moldova's migrants back to Republic of Moldova to develop all its benefits will depend on the contrary very much on the possibility for the Republic of Moldova's labour market to offer interesting job offers to the returnees, which in turn will be very much linked to external factors, such as the business and investment climate in Republic of Moldova.

3.4. Crosscutting Issues

The project addresses gender equality, good governance and human rights. Gender equality will be promoted through the legal labour opportunities by Republic of Moldova's women, who work illegally abroad in greater numbers than men, as domestic services are to a greater

extent placed in the shadow economy. Good governance will be addressed through capacity building measures in the given area. Human rights will be addressed through the dissemination of information on the risks of illegal migration and trafficking and through promotion of legal migration.

3.5. Stakeholders

By addressing Republic of Moldova's authorities in charge of migration policies, the Action will increase opportunities for legal mobility between the Republic of Moldova and EU.

Current and potential returnees will benefit from the action through harnessing the development potentials of return and circular migration flows.

Disseminating information on legal migration avenues as well as providing support to the negotiation of labour migration and social protection bilateral agreements, the project will benefit potential and current migrants and their families by enhancing the protection of their rights both in the country of destination and once returned home.

Targeting in particular the National Employment Agency, the Action will be able to increase its capacity to organise and manage data concerning labour demand and supply. Furthermore, by targeting the National Employment Agency and the National Bureau of Statistics the action will further develop methods and measures set up in the framework of previous EC funded projects where these two institutions have been involved.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

The Action will be implemented through a Direct Grant to the Swedish Public Employment Service, on the basis of Article 168.1.(f) of Implementing Rules of the Financial Regulation, in consortium with other relevant public agencies of several EU Member States, namely Greece (the Ministry of Interior), Germany (only for the second component of the project, with the Federal Ministry for Economic Cooperation and Development with possible involvement of the Center for International Migration), Cyprus (Department of Labour of the Ministry of Labour and Social Insurance), Poland (the Ministry of Labour and Social Policy, and the Ministry of Interior and Administration), Italy (Ministry for Social Solidarity), Romania (the Ministry of Labour, Family and Equal Opportunities/ the National Agency for Employment), Hungary (the Ministry of Justice and Law Enforcement, the National Employment and Social Office and the Ministry of Foreign Affairs) and Slovakia (Ministry of Labour).

The Swedish Public Employment Service is an autonomous State body linked to the Ministry of Labour. The choice of a Contribution Agreement with a Member State public body is justified by the specificities of this project, which takes place within the framework of the first pilot Mobility Partnership, and involves complex and sensitive issues in the area of management of labour migration. Among the EU Member State public bodies, the choice of the Swedish Public Employment Service is justified by the unique experience acquired through the projects which they have been implementing in recent years in partnership with the Republic of Moldova's National Employment Agency.

4.2. 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.

4.3. Budget and calendar

The Action will be financed by the European Commission with a contribution of 3 M EURO corresponding to approximately 90 % of the budget for the Action. The operational duration of the Action is 36 months. Additional contributions will be provided by the interested EU Member State (Italy in particular will mobilise up to 200,000 EUR).

Indicative breakdown of overall amount by main components (to be further detailed in the elaboration of the project document)	
Objective 1: to encourage Moldovans willing to emigrate to the EU to make use of legal channels of emigration, and facilitate for them finding jobs up to their skills or acquiring skills up to the proposed jobs.	1.000.000
Objective 2: to facilitate the smooth reintegration into the Republic of Moldova's labour market of voluntarily or forcibly returning home from the EU, and help Republic of Moldova's migrants to make the best possible use of the skills and resources acquired through the experience of migration for the benefit of their own and Republic of Moldova's development.	1.700.000
Other activities (Visibility, evaluation, audit etc)	300.000

4.4. Performance monitoring

Performance monitoring will be ensured through strict reporting requirements, regular debriefings and the full involvement of the steering committee in the planning process.

The performance of the implementation of the Action will be measured notably on the basis of the following indicators, which will be further specified and detailed in the log frame:

- Information campaigns to reduce negative consequences of migration and prevent irregular migration and other related crimes.
- Number of bi-lateral agreements on social protection of migrant workers signed between Republic of Moldova and host countries.
- Number of returned and reintegrated migrants
- Number of business and initiatives to invest remittances
- Number of job seekers having been recruited

4.5. Evaluation and audit

A mid-term and external final evaluation may take place, and 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.

4.6. Communication and visibility

Adequate communication and visibility of the Action will be carried out by the Implementing Partner via widespread dissemination of project achievements and results in line with the EC Visibility Guidelines. Public events such as kick-off meetings, opening- and hand-over ceremonies will be carried out when and where applicable.

**ACTION FICHE FOR A GLOBAL INITIATIVE UNDER THE THEMATIC
PROGRAMME FOR THE COOPERATION WITH THIRD COUNTRIES IN THE AREAS
OF MIGRATION AND ASYLUM**

1. IDENTIFICATION

	Title/Number	Support to UNHCR activities in Great Lakes region and in Eastern Europe in the context of Regional Protection Programmes		
	Total cost	EC contribution: 3.000.000 EUR		
	Aid method / Management mode	Project Approach Joint management with an international organisation (UNCHR)		
	DAC-code	13010	Sector	Migration/Asylum

2. RATIONALE

2.1. Sector context

In the last years the EU and its Member States have financially contributed to the UNHCR effort to address the humanitarian needs of asylum seekers and refugees worldwide, and to ensure international protection in the countries where national authorities are unable or unwilling to respect the standards set at the 1951 Geneva Convention and its 1967 Protocol.

In September 2005, the European Commission has proposed, through the "Communication on Regional Protection Programmes" that the EU becomes more proactive in addressing asylum seekers and refugees' needs worldwide, by assisting third countries in developing more efficient asylum systems in line with international standards. As proposed in the Communication, Regional Protection Programmes (RPP) are to comprise two main elements: measures to enhance the protection capacity of non-EU countries where refugees are hosted, and support to offer durable solutions to refugees such as local integration, return and resettlement (including towards the EU). Within this context, the Commission has proposed to focus its assistance on two kinds of regions, in particular to those immediately close to the main source areas of important asylum seekers flows and to those subject to important asylum seekers' flows directed towards the EU. In coherence with this approach, two targets for pilot Regional Protection Programmes were identified respectively in the African Great Lakes region and in Eastern Europe. The EU Council has agreed to the approach proposed by the Commission in December 2005.

The UNHCR has welcomed the 2005 Communication on Regional Protection Programmes and the EU's intention to work in partnership with third countries and its commitment to provide resources to enhance refugee protection, including through Regional Protection Programmes. On the other hand, UNHCR has developed a position paper, published on the 10 October 2005, expressing also some critical remarks on the RPP concept, based on which the EC is recommended to implement the RPPs a) by ensuring and maintaining access to fair and effective asylum systems in Europe, b) in consultation with countries of origin and transit, c) by ensuring a good coordination with development, humanitarian and other assistance providers, d) by raising realistic expectations supported by sufficient resources. Furthermore, UNHCR has reiterated the importance that RPPs are also implemented not only through assistance to third countries but also through resettlement of refugees towards the EU, and has expressed the hope that EU joint resettlement programmes, if they are organised for RPPs should be in addition to, and non simply repacking of, existing national resettlement programmes.

The EU-UNCHR cooperation in implementing the RPP in Eastern Europe and in the African Great Lake region (with focus on Tanzania) has already been translated into several concrete projects being implemented under the funding of the AENEAS programme since 2006 in Ukraine, Moldova, Belarus, on the one hand, and in Tanzania and Burundi, on the other hand. This project aims at complement these projects, by addressing a certain number of priority issues which, in these countries, remain to be solved.

Sector context for Tanzania / priority problems

Tanzania is geographically based close to the Great Lakes region where consecutive conflict brought along massive refugee flows. Tanzania is one of the largest refugees hosting countries in Africa. The majority of the refugees come from Burundi and the Democratic Republic of Congo (DRC) while there is a small proportion of Somali Bantus living in the Chogo district of Tanzania. The first mass influx of Burundian refugees in Tanzania took place after the internal conflict of 1972 in Burundi. These refugees were hosted in 3 settlements: Ulyankulu in Tabora region and Mishamo and Katumba in Rukwa region. These are called the “Old Settlements” and have hosted the Burundian refugees for more than 35 years.

In June 2007, the Tripartite Commission on the voluntary repatriation of Burundian refugees from Tanzania charged UNHCR with developing a comprehensive solutions strategy for the estimated 200,000 refugees still living in the Old Settlements. Consequently, an Old Settlement Task Force (OSTF) was established and a census to fix the population was concluded in July. Between August and early October 2007, UNHCR conducted an individual computerised registration of the population which collected data on over 218.234 individuals. Refugees were also requested to indicate their choice either to repatriate voluntarily or remain in Tanzania and apply for naturalisation under Tanzanian citizenship law. Nearly 80 % expressed a desire to remain in Tanzania and apply for naturalisation while 20 percent expressed their wish to repatriate voluntarily to Burundi with UNHCR assistance. Based upon the registration data, a subsequent socio-economic study conducted under the auspices of the OSTF by an independent group of experts, and consultations with all stakeholders, UNHCR developed the Tanzania Comprehensive Solutions Strategy (TANCOSS) to attain durable solutions for the Old Settlement refugees. TANCOSS has been endorsed by the governments of Tanzania and Burundi and the donor community at large as the way forward to bring about a final resolution to one of Africa’s most protracted refugee situations.

TANCOSS has three principal components:

1. Voluntary repatriation to Burundi, the country of origin, for those who wish to return (45.547 people, or 21 percent of the total).
2. Naturalisation of those refugees who have expressed a desire to remain in Tanzania, subject to due naturalisation processes (171.629 people, or 79 percent of the total).
3. Full final social and economic integration of those naturalised in Tanzania.

The subcomponent of the project presented by this project fiche dealing with the RPP in the Great Lake region will address the third component of the TANCOSS.

The final integration process and the restructuring of the infrastructure and environment around and within the settlements will be the most costly matters. The Government of Tanzania is keen to relocate refugees from the settlements, which have over time encroached into forest reserves, and to rehabilitate these areas. Assistance will be needed for the repair of damaged ecosystems. Many of the refugees who intend to seek naturalisation already have networks of trade and family contacts and plan to move elsewhere in Tanzania. For them, once naturalised, integration will be a relatively simple matter. Others are prepared to move where the Government suggests. They will need support, as will the communities that receive them, to ensure that local infrastructure and services are adequate, and that the receiving communities feel they are also benefiting. Some refugees will likely remain in the Old Settlements areas. Support is also needed to ensure the transfer of infrastructure in good condition and to assist those remaining and the surrounding communities into which they will finally be integrating.

UNHCR Tanzania views the successful implementation of a comprehensive solutions strategy for the Burundian refugees living in the old settlements as an essential contribution to the long-term success of efforts to bring peace and stability to Burundi and the wider region. Since achieving agricultural self-sufficiency in the early 1980s, these refugees have seen little international support or interest in their plight and TANCOS offers a precedent setting opportunity to end this protracted refugee situation in a dignified manner.

Sector context for Eastern Europe / priority problems

The project activities will take place in particular in Moldova, Ukraine and Belarus. All three countries are at the same time countries of origin, destination and transit, with large-scale irregular migration flows westward. They are confronted with the similar challenge of establishing comprehensive migration management systems which would include proper mechanisms to deal with asylum claims. The success of these undertakings, in particular through the establishment of the institution of asylum in line with international and European norms and standards, and the establishment of the system for the protection of refugees is of paramount importance for the countries concerned, European Union Member States and UNHCR.

In this regard it is noteworthy that both Ukraine and Moldova have concluded readmission agreements with the EU. This is an additional reason for launching border monitoring activities in these two countries. No border monitoring activities in Moldova and very few in Ukraine (and none of them along its Eastern border with Russia) have been conducted so far, hence there are no reports or information on the situation at the border points regarding the access to the asylum procedure. The lack of asylum information, procedures and lack of interviewing facilities at the airport and border points, as well as insufficient knowledge and awareness of border guards regarding the international asylum law and protection standards can result in refoulement of asylum seekers. Refugee law courses which need to be included in the curricula of the Border Guards and MOI institutions will address the need to improve the knowledge and understanding of the asylum procedures. The lawyers / judges involved in the appeal process need extensive training to improve their capacity and awareness on refugees and asylum seekers' rights

Furthermore, particularly, in Ukraine these kinds of problems are to be seen in addition to the weak referral procedures, insufficient technical capacity of an existing computerized refugee registration system, undeveloped identification procedures, lack of interviewing facilities, as well as insufficient knowledge and skills of officers working with specific refugee protection issues; an unclear distinction between asylum seekers and irregular migrants among the general public;

Also in a context of increasing xenophobia in the region, a lack of tangible and efficient protection granted by the authorities in some individual situation, and reduced capacity to foster local integration of refugees, it is important to recognize the need for resettling extremely vulnerable individual cases or families from the region, if possible to the European Union in the context of the RPP framework or elsewhere, should the latter not be possible.

The sub- project on RPP in Eastern Europe will address all these issues, in particular promoting border monitoring in Ukraine and Moldova, contributing to address the existing shortcomings of the asylum system in Ukraine, and facilitating the identification and referral of cases deserving to be subject to resettlement from Ukraine, Belarus and Moldova.

2.2. Lessons learnt

Problems related to asylum need to be addressed in a comprehensive and sensitive manner. Supporting a third country in order to comply with its obligations under the 1951 Geneva Convention and other related international legal instruments primarily involves ensuring that the contents of the Convention and its Protocol are properly enacted through domestic law, and that the latter is respected by the national authorities, including law enforcement agencies. Activities to reach this objective concern, for

instance, the need to ensure to the staff of the relevant authorities receive proper instructions, training, facilities and necessary equipments to develop a functioning and fair asylum system.

In order to find durable solution to refugee problems, there is a need to facilitate the local integration of refugees, in particular by supporting and fostering capacity building of local authorities, facilitating self reliance of refugees, or to promote other durable solutions, such as voluntary repatriation to their home country, when safely possible, or in some specific cases, to support resettlement to a new country, in cases of serious protection problems in the first country of asylum.

Finally, this concerns also the need to support third countries, which are the destination or the transit area for asylum seekers and refugees, to set up proper systems of migration and asylum management, including the legal and institutional capacities to deal with mixed migratory flows, as well as to cooperate with other countries in the region or located along the same migratory route.

UNHCR has long standing capacity to address asylum and refugee problems in a comprehensive manner. This has been reflected lately by the States' support to the elaboration of new initiatives such as the Convention Plus, the Agenda for Protection, the Strengthening Protection Capacity Programme (SPCP), and recently the Ten Points Plan of Action to address mixed migration flows through a protection sensitive approach.

The decision of the EU to assist interested third countries through the Regional protection programmes approach builds on this recognized need to address asylum problems through a comprehensive approach, including efforts to increase resettlement as a durable solution, with the support of UNHCR.
Tanzania

More specifically, the decision to propose this new project aimed at further assisting Eastern European countries and Tanzania in the implementation of the RPPs build also on a positive assessment of the result achieved so far through the AENEAS-funded interventions launched since 2005 and which are still ongoing, and on the identification of the priority areas which remain to be addressed which was obtained through the dialogue established between the Commission, the UNHCR, the interested EU MSs and the beneficiary countries' government, including through several meetings at local level (Dar-Es Salaam, Kiev, Minsk, Chisinau) and in Brussels in November and December 2007.

Specifically, concerning Tanzania, the first lesson learned through implementing the two ongoing AENEAS projects, shows that the various trainings offered under AENEAS have a positive impact. They are well received by national authorities Immigration Officers and village executive officers who have been trained on Human Rights Law, Refugee Law and International Humanitarian Law. Experience shows however that it is crucial to invest in training for officials at the lowest levels as they have to deal with specific cases on a daily basis and therefore need specialised training. Furthermore, the dialogue with national authorities demonstrates that it is important not only to address needs directly related to the protection of asylum seekers, but in general to assist the countries in managing with more complicated tasks, such as offering durable solutions to refugees, and managing the impact exerted on the Tanzanian society by hosting large numbers of refugees.
Eastern Europe

Regarding Eastern Europe, the idea to focus the project on border monitoring in Ukraine and Moldova builds on the positive experience of a similar activity which is being carried out in Belarus in the period of 2007–2008 in the form of the EU AENEAS funded project “Strengthening the Protection capacity in Belarus”. In this project UNHCR has been implementing activities comprised of training and technical assistance to NGOs and government institutions aimed at the establishment of the border monitoring (BM) procedures at the Belarus' border with the EU and strengthening the capacity of the State Border Committee (SBC) to identify and referring asylum seekers to the migration authorities.

The Border Monitoring team, currently operational, includes the representatives of UNHCR, IOM and two Belarusian NGOs: the Belarusian Movement of Medical Workers (BMMW), specializing on legal assistance and advice, and the Belarusian Red Cross (BRC), expertise in humanitarian and social

issues. NGOs expanded their organizational structures for carrying out work at the border areas of Belarus with the EU. All activities carried out by Border monitoring team are carried out in accordance with the signed MOU between UNHCR, the IOM the SBC, the BMMW and the BRC. The tasks of the Border monitoring (BM) team include monitoring visits in order to collect, verify and analyze information on detention of irregular movers (including asylum seekers) as well as undertake necessary steps to address identified issues in order to respect rights of detained. Border troops are obliged to immediately provide information on detentions, so that the BM team could undertake appropriate actions to provide necessary assistance to indicated person. Members of BM team are also carrying out on the spot training sessions for the border guards on the international standards for treatment of detained irregular movers (including asylum seekers). Additionally, UNHCR signed a MOU with IOM and IOM implemented the component on voluntary return (AVRP), thus allowing the project to demonstrate a comprehensive approach to management of migration flows to Belarusian authorities.

Other aspects of the project presented in this project fiche build on the detailed knowledge of the shortcomings of the asylum system in Ukraine, Moldova and Belarus acquired by UNHCR and the EC through implementing several capacity building projects in these three countries (on which details are provided below in the chapter on complementary actions). In the absence of a fully fledged evaluation of the results achieved (this will be carried out between end 2008 and early 2009, through two parallel exercises, the one aimed at evaluating the RPP concept and its implementation in practice, and the other aimed at evaluating the overall AENEAS programme and some key project) some lessons could be in particular tentatively drawn already now.

Regarding Moldova, these projects showed the interested of national authorities to develop a legislation in line with the EU standards, but also the limited capacity and resources available to all the State bodies involved, and the need to take into account some specificities of the country, in particular the absence of control on the Eastern border with Ukraine.

Regarding Ukraine these projects however showed the limited commitment of the national authorities as regard asylum and the weak organisation of the State body specifically in charge of managing the asylum system, and suggested the need to increase the monitoring on the behaviour of law enforcement agencies and to cooperate further with regional authorities and NGOs, in order to avoid an even further decline of the quality of the asylum system in the country.

Concerning Belarus, the projects enabled to establish a strong cooperation and to make a lot of progress with Border guards, a result which is now to be extended to other law enforcement agencies, in particular to the Police : the latter, which is much less used to cooperate with UNHCR and aware of refugees' rights than the Border Guards, is frequently the first and only authority which an asylum seeker has to deal with in Belarus, taking into account that most of them enter Belarus through the transparent border with the Russian Federation, and are identified by the Police while circulating inside of the country and possibly expelled without having had access to fair asylum procedures (which on the contrary seem to be better assured for asylum seekers being apprehended by Border Guards while trying to cross the Western border of the country with the EU).

2.3. Complementary actions

Tanzania

The Commission has already funded two of UNHCR projects, as part of the first pilot EU Regional Protection Programme in Tanzania under AENEAS 2005 and 2006. Both projects focus on North Western Tanzania and keep the Old Settlements (the focus of this project proposal) out of scope. No overlap or double funding can therefore occur. The first of these projects is EuropeAid/122 511/C/ACT/Multi: Strengthening Protection Capacities and Securing Solutions for Refugees in Tanzania which focuses on the development of national capacities for international protection and asylum in Tanzania. The second project EuropeAid/124 151/C/ACT/Multi: Strengthening Protection Capacities in Tanzania – Complementing and Building Upon the Regional Protection Programme Pilot

Project is about strengthening the national framework for refugee protection in Tanzania, so that asylum-seekers are able to reach safety and refugees receive protection, do not face refoulement and are eventually able to achieve lasting solutions through voluntary repatriation, resettlement or local integration.

ECHO funds (1.2 M Euros) are in the process of being mobilised to contribute to cover the costs of repatriation to Burundi (travel and reintegration) in 2008. The project is titled Voluntary Repatriation Assistance to Burundian and Congolese Refugees from Tanzania (ECHO).

Funds from the 9th EDF (2 M Euros) will be mobilised to contribute to cover the costs of the naturalization process in the short-term (actions to be implemented in the second half of 2008, while the process is still ongoing). The project is titled Support Applications for Naturalisation of Refugees in the Old Settlements (9th EDF).

Both these ECHO and EDF funds, like this project proposed under the Thematic programme, will jointly contribute to the implementation of TANCOSS, respectively contributing to address the first, second and the third of its pillars.

Eastern Europe

The cooperation between the EU, Ukraine, Moldova and Belarus has started in 2003 through an overall TACIS project called “Strengthening the National Asylum System in Belarus, Moldova and Ukraine” implemented between 2003 and 2007 through two parallel contracts by UNHCR, whose activities consisted of training and capacity building initiatives to assist the three governments, in particular as regard establishing the administrative and physical infrastructures necessary for the administration of asylum applications and for the reception of asylum seekers. Now, the asylum seekers identified during border monitoring missions, in need of accommodation can be transferred to the temporary accommodation centres established by the TACIS projects in all three countries: Belarus, Moldova and Ukraine though they have limited capacity.

In addition to this initial and fundamental intervention, the AENEAS programme in particular provided the funding for many other forms of support, mostly defined at national level.

In Moldova, a project funded under AENEAS 2006 by the local NGO Save the Children, in partnership with UNHCR and the State Migration Office, which aims at developing local integration and establish first screening and first help medical facilities for asylum seekers, refugees and apprehended irregular migrants.

In Ukraine, the interventions funded by the AENEAS programme and the programme B7-667 and implemented by the Austrian NGO Caritas aimed at assisting asylum seekers, refugees and detained irregular migrants in the Sub Carpathian region. Another project funded by the AENEAS programme is currently being implemented in Ukraine by the Danish refugee Council, whose aim is to support refugee status determination procedures and to enhance the involvement of NGOs in the assistance and protection to asylum seekers and refugees. In the past (in 2003), through the TACIS programme, the Lithuanian Ministry of Interiors and the Austrian Ludwig Boltzmann Foundation had provided assistance to the Ukrainian State Committee for Refugees and Nationalities rights to prepare a revised law on asylum, in order to ensure the inclusion, in the Ukrainian legal order, of provision enabling to offer subsidiary/complementary protection to persons in need of international protection not qualifying as refugees under the terms of the Geneva convention (but the law has not yet been amended).

Under the AENEAS 2006 budget a consortium of EU MSs, involving immigration services of Hungary, Czech republic, Poland, UK, Romania, the Netherlands, and the ICMPD, is also providing training, legal and material support to Ukrainian Ministry of Interiors, the State Committee for Religions and Nationalities and to the Border guards to develop the Country of Origin information system on the basis of which refugee status determination procedures are implemented, to enhance

rules and conditions of detention imposed to apprehended irregular migrants, to improve interviewing techniques and enhance capacity of interpretation and translation in relation to asylum seekers.

In Belarus, in addition to the EU AENEAS funded project “Strengthening the Protection capacity in Belarus” mentioned in the previous chapter (under Lessons learned), which is implemented by the UNHCR, the AENEAS programme (budget 2006) is now funding another project, implemented by the Border Guard Faculty of the Military Academy, whose scope is to enhance the capacity of the border guards to deal with asylum seekers, by providing equipment and training, by expanding their cooperation with NGOs specialised in legal and medical assistance, by developing reception and training facilities.

Furthermore, in the three countries the European Council for Refugees and Exiles (ECRE) has carried out its activities within the framework of a project funded under the AENEAS 2004 budget, whose main goals were to provide legal assistance to asylum seekers, to monitor and report on the respect of their rights by the national authorities, and to train and support local NGOs in carrying out their activity of assistance and advocacy.

At regional level should also be mentioned the Söderköping (now called “Cross Border Cooperation”) Process, whose implementation has been launched already in 2003 by Sweden, the UNHCR and the IOM, and which has been receiving since EC assistance through the B7-667, the TACIS and the AENEAS programme (current provision of EU funding for this process will end in March 2009). The main purposes of the project are: i) to assist the three countries in the sub-region with aligning their legislation and systems/structures in the field of asylum, migration and border management with EU and international standards by virtue of transfer of experience of newly acceded EU Member States and candidate country; ii) to facilitate an open structures dialogue with a view to creating a regional asylum, migration and border management network; and iii) to generate public awareness, provide information and facilitate dialogue on asylum, migration and border management issues.

2.4. Donor coordination

UNHCR, due to its institutional role in relation with the Geneva Convention on Refugees and its protocols, permanently ensures donors' coordination worldwide on all the issues related to the assistance and the protection of asylum seekers and refugees. All the EU Member States are regularly informed and consulted and by the Commission on the implementation and development of the Regional Protection Programmes. Donor coordination meetings involving all the relevant actors (including non-EU donors, UNHCR, local NGOs and the beneficiary countries' national authorities) were held in Minsk, Kiev, Chisinau, Dar Es Salaam in October and November 2007.

Tanzania

In support of Tanzania's comprehensive solutions strategy, UNHCR is playing a catalytic role, working with the Government to mobilise interest and involvement by sister UN agencies and bilateral and multilateral development partners. Development interventions are needed to ensure the full economic and social integration of the “newly naturalised”, by addressing critical environmental, social and physical infrastructure needs, ensuring the availability of basic services in the host communities and facilitating the final local integration. While Government leadership and direction will be essential to secure the full engagement of the regional authorities and development partners, the robust support of the international community is crucial to ensure the success of the TANCROSS.

To raise funds for TANCROSS, UNHCR Tanzania launched a supplementary appeal in February 2008. For the support of the programme (2008-2009), UNHCR identified the need for 34,292,586 USD. For 2008 the required budget amounts to 21,574,124 USD. 3.2m USD of these required funds have already been contributed, while further commitments and statements of interest for 2008 cover 9m USD.

Most of the donors (UK, Canada, The Netherlands and France) gave unearmarked contributions. Belgium asked to spend its first donation on the naturalization process but the second donation was unearmarked. UNHCR Tanzania decided to reserve the second Belgian contribution together with the projected contribution by Germany to the local integration pillar so that funding of that pillar is ensured for 2008. Other EC projections under ECHO and 9th EDF are also earmarked for repatriation and naturalization, respectively.

Eastern Europe

In Moldova, UNHCR and IOM have met to discuss joint action in terms of providing training to border guards staff, members of the police force and judges. IOM is providing technical support and capacity-building in migration-related areas to the Government of Moldova. During 2005-2008 a project component on International Refugee Law trainings was implemented in close cooperation with UNHCR in Moldova and the Swedish Migration Board. UNHCR and IOM intend to jointly discuss cooperation with UNDP which may in the future develop capacity building activities for border guard personnel.

The development of (protection) partnerships and collaboration is seen by UNHCR as the second most crucial of all tasks in the sub-region, just after the prevention of refoulement. In Ukraine, UNHCR will continue to strengthen its firmly established partnership with Government counterparts both at the national and regional levels dealing with asylum and migration issues. Likewise, the coordination with other operational partners and donors will be cemented further. Existing protection partnership with EU, EC, Council of Europe, ECRE, US, Canada, Sweden, Switzerland and many others will continue to result in an action-oriented alliance for refugee protection inclusive information sharing on this project. Cooperation and partnership with UN sister agencies will continue to be pursued so that protection and socio-economic concerns of persons under the mandate of UNHCR are addressed collectively as and where possible. The above will allow not only to have the relevant donors and/or partners be well informed about this project and its activities but also have better cooperation in resource mobilization by avoiding possible duplications if there are any.

3. DESCRIPTION

3.1 Objectives

The overall objective of the project is to contribute to ensure that asylum seekers and refugees receive assistance, protection and durable solutions in the two regions (Eastern Europe and African Great Lakes) which are targeted for assistance through the EU regional Protection Programmes.

Specific Objective 1

More specifically, the first objective of the component of this project addressing the Regional Protection Programme in **Tanzania** and the Great Lakes region will contribute to support the local integration of the Burundian refugees immediately after (in 2009) the Tanzanian citizenship has been acquired, thus contributing to the effort carried out by Tanzanian authorities with the assistance of UNHCR and the donor's community to offer a durable solution to the very large refugee communities they are hosting on their territory.

Specific Objective 2

The objective of the Regional Protection Programme in **Eastern Europe** is to further increase the capacities of the responsible authorities and the civil society with a view to developing a fair and efficient asylum systems in the three countries, in accordance with international and European standards, and in particular to ensure that asylum seekers have access to fair procedures.

3.2 Expected results and main activities

The specific contents of each sub-project will be finalised during the second half of the year 2008, based on a gaps and needs analysis being presently carried out by UNHCR. These evaluation exercises will be jointly carried out with the European Commission, in consultations with interested EU Member States, in dialogue with the national authorities and civil society organisations of the beneficiary countries, taking also into consideration the need to avoid overlapping with other initiatives and on going projects.

Pending this finalisation process, the specific contents of the two sub-projects have been identified as follows:

Tanzania

The specific sub-project addressing the African Great Lakes region aims in particular to help Tanzanian authorities and institutions to assist in the full final integration of newly naturalised Tanzanians. Local communities, who have been hosting these peoples for decades, will maintain shared facilities and will be supported in addressing environmental issues. In areas of final destination local integration of the newly naturalised refugees will be facilitated by capacitating the local authorities to receive and integrate this new population while the existing institutions and infrastructures and related capacity of the responsible authorities will be enhanced. More specifically, these results will be achieved through carrying out the following activities:

Result area 1: First phase of targeted administrative, forestry and environmental initiatives implemented by Tanzanian government and non governmental partner institutions.

This result area will support sustainable rural livelihoods and address widespread environmental degradation by implementation of the first phase of targeted forestry and environmental initiatives, within a newly-capacitated governance and administrative framework. UNHCR will also support District Officials to integrate the Old Settlements areas into the national administrative structures.

“Establishment of District”:

The former refugee hosting areas cover some 2,500 square kilometres of Tanzania. They are special, “Designated”, areas administered by the Ministry of Home Affairs. They need to be re-integrated into the normal administrative structures of Tanzania, under their respective Regions and Districts. UNHCR will bring planning and governance expertise to support and bolster the capacity of District officials to plan, layout, demarcate and re-establish Division, Ward, Village and sub-Village governance structures, boundaries and social service delivery capacity in the former Settlement areas.

“Achieve local integration”:

National and District-level forest reserves and natural resources have been identified by local authorities and UN Agencies including UNEP and UNDP, as being heavily impacted during the long years of refugee hosting in the Old Settlements. Rehabilitation of these areas is not only part of a responsible transfer back to the host nation of the lands generously given for hosting, but in this case, where local communities and former refugees will continue to live and work together and depend on the natural resources and environment for their livelihoods, is critical to the full harmonious integration of those refugees remaining with their hosts. Unless rehabilitation and the local capacity for environmental planning and responsible natural resource use are supported and local capacity further developed, it is quite possible that the former refugees will continue to be seen as a problem and not as a benefit and a useful part of the community. UNHCR will bring in expertise to help create awareness on good natural resource management by local authorities and local communities. It will support continued environmental protection measures, which will be implemented together with District and Ward officers, in the process transferring new skills and abilities to them, to prevent deterioration of forest and water resources. Also support will be needed to strengthen environmentally conscious use of natural resources in and around the settlements. Support will be extended to those

communities where former refugees will locally integrate in order to mitigate environmental degradation in these areas.

Main activities include:

1. Expert support and capacity building at Region and District level in planning re-integration of Settlement areas into National administrative structures. Direct support in implementation of these plans.
2. Training, planning and implementation support to Districts in re-establishment of forest reserves and forest reserve boundaries that have been encroached upon.
3. Support the creation by local agencies of 6 permanent and 6 temporary tree seed nurseries and woodlot cultivation schemes to reduce dependence on natural forest resources, provide training and development in ways of achieving alternative sustainable rural livelihoods, and begin rehabilitation of denuded forest reserve areas.
4. Provide support and expertise to the local Vocational and Education Training Agency, to enable them, amongst other work, to be contracted and further supported by UNHCR to rehabilitate existing government buildings for use as forest ranger posts.
5. Training and building of local capacity on environmental protection measures for local authorities and communities, both in the settlements and in areas of final destination. Creating awareness on good natural resource management.

Result area 2: Education and training capacity in hosting areas and areas of final destination assessed and priority needs met.

This result area will enhance education and training capacity, within the National education programme, for newly naturalised Tanzanian and local host populations in hosting areas and areas of final destination to promote integration beyond primary school. It will support and build Regional and District-level institutional capacity and bring and transfer expertise to the targeted Districts.

Once refugees are accepted to integrate locally, more schools will be required for school going children as a sense of settling will influence higher school attendance. Rehabilitation of old schools which have not received any rehabilitation would be required. Much as this would be done to support former refugees, it would enhance acceptance within the Tanzanian community for bringing with them positive developments.

Main activities include:

1. UNHCR will provide expert support and capacity development to Districts in developing and refining educational and training plans. It will assist in elaborating work programmes for the following institutions, already identified as priorities by the Regional administration
2. Expansion of the Vocational and Educational Training Agency (VETA) facilities and expand its areas of expertise within the settlements to increase the range of skills and opportunities of both communities.
3. Using the newly developed capacity of the Districts, of VETA, and by providing additional expertise, knowledge transfer and material support, upgrade ordinary secondary day school to advanced level boarding school which will serve as a shared facility for Tanzanians and newly naturalised Tanzanian students throughout the Region.
4. Conversion and rehabilitation of existing structures into Folk Development Colleges (FDC). FDCs are adult and youth continuing training centres for those who have only completed primary school (this applies to most of the newly naturalised Tanzanians who attended primary school but did not have secondary school opportunities). They offer skills training in technical subjects adapted to the needs of rural and local development. UNHCR will further bring expertise in development of suitable programmes and transfer of techniques and knowledge to trainers.

Eastern Europe

The main results which the Eastern Europe component of this project can be summarised as follows:

- Ensuring that asylum procedures are implemented in a full and fair manner by any law enforcement agency in Ukraine, Moldova and Belarus, and in particular that better access to

procedures is ensured by Border Guards in Ukraine and Moldova, by Police in Belarus, and by judges and prosecutors in the three countries

- Promoting the cooperation between the relevant State bodies and the specialised NGOs in providing legal and social assistance to asylum seekers, and in raising awareness of the wide public on refugees' rights and on the mixed character migratory flows
- Obtaining that vulnerable cases of refugees deserving to be considered for resettlement towards the EU or other destination are more easily and quickly identified, and that voluntary return of refugees to their origin countries is made possible

Subject to further refinement of the project (to be carried out in the second half of the year 2008, prior to contract signature, in consultation with the EC, the interested EU MSs, the government of beneficiary authorities, and all stakeholders involved), these results will be achieved through the following main types of activities:

Regional activities for Ukraine, Moldova and Belarus:

1. Developing the resettlement programme of the region and help in identifying cases for resettlement in the EU and elsewhere.
2. Supporting the voluntary return by providing assistance to migrants;
3. Working with the governments, NGOs and other: by implementing the UNHCR document "Refugee Protection and Mixed Migration: a 10 Point-Plan of Action" with the aim in particular to raise awareness on refugee issues: by ensuring increased protection and understanding of the public at large of the relevance of refugee protection and the difference between economic migrants and refugees
4. Protection of refugees within broader migration movements: by providing the necessary training and technical assistance to relevant authorities to ensure access to and quality of asylum procedures;

In Ukraine and Moldova in particular:

Border monitoring with coordination of all actors/partners: by increasing UNHCR staff capacity and consolidating and developing the existing protection monitoring framework in all strategic entry and exit points of three countries in the region, including monitoring of detention facilities, access to asylum will be improved. Border monitoring activities need to be cross border oriented and close cooperation with the refugee authorities in neighbouring countries will be important

In Moldova:

Capacity building of the border guards services, judiciary / courts through refurbishing/ furnishing of interviewing facilities at the border points, airport , providing legal information, counselling, legal representation and intervention on behalf of asylum seekers to prevent *refoulement* and publication of leaflets containing asylum information and RSD procedures;

In Ukraine:

1. Production of the information leaflets on multiple languages (especially to be used in border-crossing points, detention facilities, temporary holding centres);
2. Training for NGOs on border monitoring procedures, prevention of *refoulement*, legal advice and for border guards on asylum and refugee protection;
3. Joint border monitoring visits and mission to Temporary Holding Centres, especially along the Eastern border to ensure earliest possible intervention.
4. Cross-border monitoring meetings and visits.

3.2 Risks and assumptions

Tanzania

The design of the local integration programmes will be based on a consultative process with the regional authorities, line Ministries, Development Partners, and refugee host communities. Interventions will dovetail with national development goals and regional priorities to ensure

continuity, relevance and full engagement with the existing development agenda. The following are the assumptions for the project:

- The government of Tanzania will continue to remain committed to the process of comprehensive solutions
- The Tripartite Process will continue fully to endorse the Strategy.
- There will be no major out break of violence in the region which will cause a mass influx of refugees in to Tanzania.
- The political situation in Burundi will continue to be stable.

Eastern Europe

At the time of this submission the countries in the region anticipate a number of positive changes, but it is not clear when they will materialize. The main risks and assumptions for the project implementation can be summarized as follows:

The project outputs might be seriously influenced by a number of factors, such as the impact of the eventual restructuring of the Governments in any of the three countries, on-going socio-economic reforms, different ability and preparedness of authorities (including allocations of funds from the State budgets), NGOs and refugees to adapt to the new environments and attitudes of the local population. These factors will be kept in mind while further designing and implementing the proposed action. Measures to minimize their impact on the project will be identified and agreed upon during the Steering Committee meetings involving the relevant Stakeholders. Secured commitment of all the stakeholders will mitigate possible impediments to project implementation which might arise and ensure effective implementation of the project.

It is expected that the implementation of the project outputs will significantly strengthen the capacity of the relevant state authorities and NGOs in Belarus, Moldova and Ukraine, which in their turn with enhance the capacity of refugee reception, treatment and local integration systems, lead to improved environment and quality of life of refugees and asylum seekers as well as lead to compliance with the international obligations. Training and capacity building component will enhance regional and international co-operation in the fields of effective border monitoring and refugee integration and will result in overall awareness and observance of human rights, EU and international standards while dealing with refugee issues within the broader migration context.

Another assumption is the willingness of EU Member States to increase their resettlement quotas from the region within the RPP framework.

3.3 Crosscutting Issues

Tanzania

Programs implemented will positively impact the eco-systems and will also reduce loss of biodiversity in areas in which there has been environmental degradation due to the long stay of refugees.

The local integration process will be precedent setting in Africa in terms of the recognition of the acquired rights of refugees in countries of asylum. The local integration of these Burundian refugees will also contribute to regional stability and reconciliation.

The empowerment of female headed refugee households through the granting of citizenship and their final local integration in communities will increase the self sufficiency of women and advance gender equity in the population.

The final integration of this productive population will also change the demographics of the Regions and will positively impact the agricultural practices, economy and democratic constituency politics in the country.

Eastern Europe

The issues related to refugees and migrations have increasingly been integrated in the EU's relationships with third countries and have been formulated in the strategic EU paper 'Wider Europe: New Neighbourhood, a new Framework for Relations with our Eastern and Southern Neighbours' as well as widely reflected in the UNHCR position papers and policies. The overarching aims of the EU are regional stability and co-operation, shared values and rule of law along common borders. The enlargement of the Union represents new challenges: the issue of cross border co-operation with a focus on border management and migration issues is crucial. Successful implementation of this project will enhance protection regime in the countries involved especially in the area of *non-refoulement* and reception of asylum seekers involving stakeholders and relevant procedures on both sides of the border. UNHCR will continue to take action to maintain and increase the protection space, including through resettlement of vulnerable cases, for those who need international protection and to promote an understanding of the difference between refugees and economic migrants taking due account of the specific needs of persons of concern to UNHCR.

Main constraints to local integration were identified by refugees as lack of access to employment that generates sufficient income for basic survival, lack of access to affordable housing, lack of adequate knowledge of the local language and foreigner-unfriendly/xenophobic attitudes. The activities under this project within the local integration component, especially legal/official employment, will help to ensure in the medium and long term that refugees can enjoy their rights and live dignified lives.

3.4 Stakeholders

In Tanzania, the following stakeholders will be key partners in the process:

- The governments of Tanzania and Burundi and UNHCR as part of the Tripartite Process.
- The Ministry of Lands and Human Settlements Development, Ministry of Education and Vocational Training, Ministry of Natural Resources and Tourism.
- Regional Commissioners' Offices in Rukwa and Tabora Regions and District Commissioners' Offices in Mpanda and Urambo Districts. Regional and District natural resource, security, education and planning officers.
- Refugee community and host communities
- NGOs and Tanzanian civil society organisations including TCRS and Redeso.

Eastern Europe

In Eastern Europe the project will differentiate between desired impact on direct beneficiaries/target groups that will be government institutions and civil society organisations and desired impact on the ultimate or indirect beneficiaries that will be the irregular migrants, refugees and asylum seekers in Belarus, Moldova and Ukraine. Therefore, the main beneficiaries and stakeholders of this project will be:

- In Moldova, the main stakeholders will be: the MOI/Bureau for Migration/Refugee Directorate: Border guards: NGOs: Judges are the main beneficiaries of training.
- In Ukraine, the border Guards will be the principle beneficiary of the project and will be actively involved in its implementation
- To some extent, concerning resettlement activities, EU Member States

Institutional capacity and government commitment

Tanzania

The government of Tanzania has expressed its willingness and commitment to grant access to naturalisation for those refugees who have expressed their wish to remain in Tanzania and support their integration. There is an important political momentum that needs to be seized as it will provide permanent dignified solutions to one of the Africa's most protracted refugee situations.

Eastern Europe

In the whole region, UNHCR enjoys firmly established partnerships with Governmental counterparts both at the national and regional levels dealing with asylum and migration issues (asylum/migration authorities, Ministries of Interior, Border Guards, Ministries of Justice, Ministries of Foreign Affairs, Parliaments - including their Committees and Sub-Committees) with particular emphasis on recently restructured authorities. Extending and strengthening operational partnerships rather than reliance on implementing partners only will be another strong focus.

However, in the context of an impoverished national civil society, which lacks resources to take action without outside financial inputs, opportunities for extended operational partnerships continue to be highly dependent on external donor funding, in particular from the EU. Unfortunately, the same is true in the sub-region for the few international NGOs who are trying to support refugee protection. The existing operational partnerships with ECRE and the Swedish Migration Board (sub-regional), Caritas Austria, Caritas Czech Republic and as of mid 2007 the Danish Refugee Council (in Ukraine) depend almost entirely on EU funding and as this will run out, if not renewed, at various times in 2008/2009, these partnerships may end when the EU funded projects end.

In the **Moldovan context** it should be noted that Deputy Minister, MOI, as well as the Commanding Officer of the Border Guards Authority signed for their support to the failed EC/TACIS submission in 2007. Their commitment to capacity building vis-à-vis the access of asylum seekers to the territory remains unchanged. During the first quarter of 2008, UNHCR has discussed monitoring approaches with the MOI and has obtained their commitment to support access issues. The MOI, the Border Guards and the judiciary have a limited capacity to support training activities and the dissemination of RSD process information and financial and technical support from the international community is needed.

In Ukraine, Border Guards have expressed willingness to co-operate with UNHCR on this project. **Belarusian** authorities have shown to be very much inclined to accept technical support in the field of asylum.

4. IMPLEMENTATION ISSUES

4.1 Implementation method

Joint management through the signature of an agreement with an international organisation: the United Nations High Commissioner Office for Refugees. UNHCR is a global leader in the protection of Refugees and Asylum seekers, leading and coordinating international action to protect refugees and resolve refugee problems worldwide for over 50 years.

4.2 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 United Nations High Commissioner Office for Refugees in accordance with FAFA.

4.3 Budget and calendar

The budget of the project will be tentatively divided in two parts (€ 1 m for Eastern Europe and € 2 m for Tanzania).

A more detailed breakdown of the budget will be possible only in the second half of the year 2008, when the specific targets of each subproject will be clarified.

Indicative breakdown of costs for the two sub-projects				
EASTERN EUROPE		TANZANIA		
Moldova	400.000	Development of education and skills training capacity for local integration	€ 1.000.000	
Ukraine	185.000	Environment and sustainable rural livelihoods and local community support	€ 700.000	
N/a				
Communication and visibility	5.000 Euros	Communication & Visibility	€ 5.000	
N/A		Contingencies	€ 50.000	
Monitoring and evaluation	10.000 Euros	Monitoring & Evaluation	€ 25.000	
Project management including coordination and regional activities in Ukraine, Moldova and Belarus	340.000	Project Management	€ 75.000	
TOTAL for EE	940.000 + approx. 7% indirect costs = 1.000.000	TOTAL for Tanzania	€ 1.870.000 + approx.7% indirect costs = 2.000.000	
TOTAL requested :				3.000.000 EUROS

4.4 Performance monitoring

UNHCR will use its standard Results Based Management (RBM) matrix to evaluate the achievements and to monitor progress against set standards. Furthermore, mid term evaluation will be conducted to review and fine tune the process of implementation. In addition the programs will be reviewed against UNHCR's standards and indicators.

Tanzania

- Reports on activities and programmes indicate successful attainment of protection and of final integration
- The Old Settlements have been integrated in the national administrative structures, district authorities and local communities have been trained on environmental protection measures, forest reserves and forest reserve boundaries that have been encroached upon are re-established; 6 permanent and 6 temporary tree seed nurseries and woodlot cultivation schemes have been created, government buildings for forest ranger post have been rehabilitated.

- Training and education plans have been elaborated, school and boarding facilities have been built, VETA facilities have been upgraded and expanded according to plans and existing FDCs have been converted and rehabilitated according to plan.

Eastern Europe

- The Interagency MOU between the main stakeholders will have been signed and spells out the roles and procedures related to border monitoring and subsequent referral procedures and responsibilities relevant to the country context.
- A joint NGO/UNHCR border monitoring mechanism will have been established in all important border entry points and detention centres, hence the rights of seeking asylum are ensured and refoulement prevented. Co-operation between NGOs, border guards and relevant authorities responsible for refugees and asylum will have significantly improved.
- Multi-agency co-ordination and planning meetings will have been organized.
- Cross-border monitoring meetings and visits will have been carried-out.
- The capacity of the NGO partner to assume border monitoring functions will have been increased and the legal counselling, RSD information and representation services are provided effectively to asylum seekers at the borders and in respective countries as relevant.
- The training plan on refugee law and asylum procedures with participation of experts from neighbouring countries will have targeted the key officials dealing with refugee claims and border guards staff as a result improved and unhindered access of asylum seekers to national procedures in line with international protection standards will have been available.
- The reception / interviewing facilities at main border points, inclusive of the Airport will have been established and functional in line with the international standards.
- The judiciary courts and teaching institutions for border guards and MOI will have been consolidated in Moldova through provision of equipment and necessary reference materials in the field of refugee law and human right issues.
- The currently operational computerised refugee registration system will have been upgraded and expand in Belarus to its regional level for the MIA and to the level of commandant offices for the SBC.
- Interviewing facilities will have been improved and strengthened.
- In the context of Belarus, the Assisted Voluntary Return Programme (AVRP) with a potential hand-over to the Belarusian authorities will have been implemented.
- PI/PA campaigns will have been implemented ensuring increased understanding of the public at large of the relevance of refugee protection, international standards regarding reception and the difference between economic migrants and refugees inclusive of capacity building assistance to the Press offices and relevant institutions in this respect.
- Number of resettled cases in the EU, within the RPP framework.

4.5 Evaluation and audit

The project will be submitted to regular reporting and internal audit in accordance with the EU and UN rules as agreed through the FAFA agreement. The Contracting authority will be kept informed and consulted prior to any relevant decision and event taking place within the framework of the project through ad hoc communications and steering committees.

4.6 Communication and visibility

Communication and visibility activities will be implemented in accordance with the EU/UN Visibility Guidelines adopted in April 2008 at the 5th FAFA Working group in Vienna. On the basis of these guidelines, UNHCR will develop a communication and visibility strategy which will be implemented at the regional, national and local levels.

ACTION FICHE FOR A GLOBAL INITIATIVE UNDER THE THEMATIC PROGRAMME FOR THE COOPERATION WITH THIRD COUNTRIES IN THE AREAS OF MIGRATION AND ASYLUM

1. IDENTIFICATION

Title/Number	Prevention of irregular migration at the Libyan Southern borders		
Total cost	€ 2.000.000 <i>(Italian Ministry of Interior likely to provide a co-financing)</i>		
Aid method / Management mode	Direct centralised management – Project approach		
DAC-code	15210	Sector	Security System management and reform

2. RATIONALE

2.1. Sector context

Libya is a key transit country for irregular migration flows directed towards the EU. This is particularly linked to the geographic proximity of Libya to the Italian and Maltese shores and to the limited attention placed by Libyan law enforcement agencies on the activities of the smugglers of human beings operating at the Libyan coast.

Libya is also a very important migration destination country, which is linked not only to the attractiveness of its labour market, but also to the porosity of its land borders, which are very long and difficult to control, being located in desert regions.

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

Migrants entering Libya are mostly coming from five main areas: from Sub-Saharan Western Africa (mainly Ghana, Burkina Faso, Nigeria, Mali, that mostly enter Libya via Niger or Algeria), from the Horn of Africa region (Somalia, Eritrea, Ethiopia, that enter Libya via Chad or Sudan), from West and East Northern Africa (mainly Morocco and Egypt, that enter through land borders and by plane directly to Libya), from the Middle East region (Syria, Palestine, Jordan, that enter Libya mostly via Egypt), and finally the migratory flow originating from the Indian Sub Continent (Bangladesh, Pakistan, India).

The Libyan authorities recognise that around 2 million illegal migrants may be in the country, most of them with an intention to find work in Libya but some of them in their way towards other countries, including the EU. Detailed statistical data on the number of migrants

apprehended yearly in and returned from Libya are not available, neither is reliable information on the way in which apprehended migrants are treated, detained and returned. It is however clear that the Libyan authorities have to deal with vast numbers of persons and that the procedures implemented at the moment in Libya are well below the standards set at international level.

In addition, there is not yet an appropriate legislative framework for asylum in place, nor procedures ensuring the respect and protection of migrants' rights, including specific attention to vulnerable categories and persons in need of assistance or protection. Recently a number of initiatives have been launched (all of them funded by the EC through the AENEAS programme), that may be instrumental to the introduction of reforms in this area. For instance, the UNHCR office in Tripoli is currently revising a draft law on asylum, which Libyan authorities seem interested to adopt; the IOM office in Tripoli is implementing a programme supporting voluntary return for irregular migrants; the Ministry of Interior of Libya has managed to deliver (within the framework of the "Across Sahara" project) some training on migrants' rights and on search and rescue of, and assistance to, migrants in distress. The attention given by certain Libyan officials to these initiatives is a positive signal, but a comprehensive reform process still needs to be encouraged.

Political context

The Memorandum signed by Commissioner Ferrero-Waldner in Libya on 23 July 2007, set the framework for EU consultations with Libya with a view to submitting to the Council a negotiation mandate for the Commission. The General Affairs Council of 15th- 16th October 2007 reaffirmed its call for increased engagement with Libya through a twin-track approach:

1. the development of an appropriate, coherent, long-term framework for the EU's relations with Libya;
2. followed by open discussions on subjects that were identified by the Council in 2004 as priority, including migration.

The EU has been working actively on both fronts so far. The Commission presented the negotiation directives to the Council on 27 February 2008, which will have to take a final decision about the mandate for the Commission to launch formal negotiations with Libya. As Libya is not expected to join the Euro-Mediterranean Partnership or the European Neighborhood Policy in the short term, the most appropriate approach seems to be to negotiate an agreement which is as ambitious as feasible.

The Libyan Authorities have declared to be prepared to negotiate an ambitious agreement providing for political dialogue, trade integration (including the establishment of a free trade area), and technical co-operation on a number of key thematic issues (including on migration).

Pending the awarding of a proper negotiation mandate by the Council and the start of the formal negotiations, the Commission is already in contact with Libyan authorities as agreed by the Council. In particular, in line with the Memorandum referred to above, the contacts held between the European Commission and the Libyan authorities in September and October 2007 allowed both parties to agree on exploring the possibilities for operational cooperation on migration as soon as possible in two main fields, boarder management and visas:

- On visas, further contacts need to be carried out in order to define possible ways of cooperation.

- On border management, it was agreed that an EU-Libya joint Working Party on the development of a border management strategy could be established soon.

This new positive phase on cooperation between the EU and Libya occurred in parallel with positive developments taking place between Libya and Italy, its closest partner among the EU MS. These developments were reflected by the signature, in December 2007, between the Ministries of Interior of the two countries, of an agreement establishing a commitment of the two parties to cooperate in the prevention of irregular migration in the Mediterranean, including by carrying out joint patrols within Libyan territorial waters. This bilateral agreement also includes Libya's wish to establish, with the help of Italy, a closer cooperation with the EU on addressing and preventing irregular migration flows entering the country through its Southern Borders.

The present Action is intended to be implemented in parallel with these initiatives and to facilitate the dialogue process which has just been launched between the European Union and Libya.

2.2. Lessons learnt

Libya is a very isolated and complex country, with very limited practical experience of international cooperation, low quality of public administration capacities and a special political and institutional system in place. All this, coupled with the reluctance to make progress in taking effective measures against irregular migration flows, has until recently made it practically impossible for the EU to establish any formal cooperation with Libyan authorities.

In the last two years, however, there have been some positive developments. A clear progress in particular was represented by the "Across Sahara" project which, through a co-funding of the AENEAS programme, was implemented between 2006 and 2007 by the Italian Ministry of Interior, with the aim to promote joint border surveillance along the Libya-Niger border as well as to promote general border management capacities of the law enforcement agencies of the two countries. Although the "Across Sahara" project confirmed how challenging it is in practical terms to carry out a project in as politically and also environmentally different context as in Libya, it did also for the first time show a clear willingness and some limited capacity from the Libyan side to seriously engage in cooperation, and to take advantage from it.

A clear demonstration of this fact is that Libyan authorities expressed their interest to repeat and expand this experience, which led to the signature of the AENEAS funded project called "Across Sahara II" (aimed at promoting joint border surveillance along the Libyan-Algerian border).

In addition, in the end of 2007 the Libyan and Italian Ministries of Interior signed an agreement aimed at promoting cooperation between these two parties on the prevention of irregular migration, both through actions within the Libyan territorial waters in the Mediterranean and at the Libyan southern desert borders.

Within this context, it should be underlined that in the efforts to establish a dialogue and cooperation with Libya on migration issues, a technical, FRONTEX-led mission to the Libyan borders was carried out from 28 May to 5 June 2007. The team was composed of FRONTEX staff and two national experts, one from Malta and the other from Italy. This technical assessment mission was a first step in finding possible ways to cooperate in this field.

FRONTEX issued a report after the conclusion of the mission, including the main findings as well as recommendations for further actions. This report takes into account not only the available resources of the Libyan authorities to properly manage migratory flows, but also the particularities of its southern borders.

The current project takes into account the recommendations of this FRONTEX report.

2.3. Complementary actions

The activities proposed in this project will be complementary to other activities which are already being carried out through the EC AENEAS funding, and which are aimed at promoting the cooperation between Libya and neighbouring countries.

Given the fact that Libya does not have a cooperation agreement with the EC, and thus is not eligible for funding under the normal geographical instruments, it has mainly benefitted from AENEAS funding:

a) The completed **Across Sahara** was implemented by the Italian Ministry of Interior and which contributed to strengthening border cooperation between Libya and Niger;

b) The still ongoing **TRIM** project ("Enhancement of Transit and Irregular Migration Management in Libya") is implemented by the International Organisation for Migration (IOM) with Italian co-funding. It aims at facilitating the assisted voluntary return and reintegration into their home countries of migrants stranded in Libya (mostly nationals of Sub-Saharan Africa countries).

c) Another regional project co-funded by the Aeneas programme started early 2007 and is supporting the **development of asylum systems in all North African countries** from Morocco to Libya, through assisting the activities of United Nations High Commissioner for Refugees Office (which is the project implementer) in each of them.

d) A new AENEAS project was selected in 2007 (Call for Proposals) and is about to start: **Across Sahara II**, which will be implemented by the Italian Ministry of Interior, and aims at promoting border cooperation between Libya and Algeria.

Libya is also involved, though indirectly, in certain other regional projects, where the staff of its relevant public bodies could be invited to participate in specific actions or seminars:

e) In particular, the project called **East Africa Migration Route** implemented by the UK Ministry of Interior (with the support of Ministries of Interior of Italy, the Netherlands and Malta), will promote cooperation among law enforcement agencies in dismantling networks of human beings smugglers along the Eastern Africa migratory route (from the Horn of Africa and Great Lakes region to Libya);

f) The IOM-implemented project "**Facilitating a coherent migration management approach by promoting legal migration and preventing further irregular migration**" will contribute to better organise legal flows of labour migration from Ghana, Nigeria and Senegal towards Italy and Libya.

g) The Dialogue on **Mediterranean Transit Migration (MTM)**, the current phase of which is implemented by ICMPD together with FRONTEX and Europol and involves numerous participants from Arab and European Partner States, including Libya. The aim of the dialogue is to contribute to a common understanding between Arab and European Partner States on

common migration governance standards and contribute to the elaboration of a comprehensive joint response to mixed migration flows in the Mediterranean region.

In addition, the activities proposed under the current Action are complementary to the assistance provided by the Italian authorities to Libya in the field of border and migration management in the last years. In particular, the proposed Action will complement the commitment of the Italian MoI to offer to its Libyan counterparts capacity building in the area of surveillance and patrolling in the Mediterranean, in conformity with the Italian-Libyan protocols signed in December 2007.

2.4. Donor coordination

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

3. DESCRIPTION

3.1. Objectives

The **overall objective** of the project is to increase the capacity of the Libyan authorities to prevent and manage irregular migration entering into or transiting through their territory.

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

1. To support Libyan authorities to improve their overall capacity to address irregular migration, through reforming their overall system of prevention and management of this phenomenon.
2. To support Libyan authorities to improve their capacity to intercept irregular migratory flows entering the country through its Southern borders, and to manage apprehended irregular migrants in accordance with the best international standards.

3.2. Expected results and main activities

The **first specific objective** is composed of the following expected results and related activities:

Expected results:

- Improved capacity to assist migrants stranded in desert.
- 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 the migration flows.
- The Libyan authorities have established a better system for registration and issuance of documents and better interviewing techniques.
- Improved treatment and management of migrants in need of international protection.

- The Libyan authorities have established a system to counter corruption.

Indicative activities:

The Action will provide the Libyan authorities with technical assistance, advice and training in view of promoting a reform of the services in charge of prevention and management of irregular migration and the enhancement of capacities in this area.

The detailed areas of this support will be determined at the beginning of the Action on the basis of a detailed assessment. The areas of support might include:

- 1.1. The need to foster the cooperation among the Libyan State bodies involved in the prevention and management of irregular migration, while better defining their respective competences;
- 1.2. The need to establish specialised training structures in the field of migration and appropriate training curricula for all agents and officers dealing with irregular migration;
- 1.3. The need to create a single databases where information concerning irregular and regular migrants, and/or on migrants' smuggling organisations could be cross-checked if necessary, or at least to establish a mechanism facilitating the exchange of data between the services involved, duly taking into account basic personal data protection principles;
- 1.4. The need to improve the cooperation between Libyan law enforcement agencies and their counterparts in the countries of origin, transit and destination for migration which are interested by the same migratory routes as Libya, so as to improve exchange of information, establish early warning systems, organise joint patrolling and operations;
- 1.5. The need to improve the cooperation between Libyan law enforcement agencies, on the one hand, and the EU MSs national and the international organisations in charge of migration and asylum, and the civil society organisations able to assist in this endeavour, on the other hand;
- 1.6. The need to improve interviewing techniques for agents and officers dealing with apprehended irregular migrants, in view of enhancing their capacity to determine identity and origin of the interviewed persons, and gather information useful to dismantle the networks of smugglers of migrants, and at the same time to ascertain whether they are persons in need of asylum or international protection, victims of trafficking, or persons in need of assistance or requiring a specific treatment;
- 1.7. The need to set up among the law enforcement agencies in charge of prevention of irregular migration efficient search and rescue capabilities enabling to assist irregular migrants in the desert, and to provide first aid and assistance to those of them found in distress;
- 1.8. The review of the legislation and procedures and protocols in force in Libya, so as to identify the areas where reforms must be introduced in order to approximate the internal legal framework of Libya and the concrete behaviour of its law enforcement agencies to the international standards (with reference to those set by the Council of

Europe and by UNHCR), as regard the treatment, detention and return of irregular migrants, as well as regard to asylum seekers and refugees;

1.9. The need to carry out a risk analysis on the migratory flows entering Libya and to study the routes specifically followed by irregular migrants to enter and transit through Libya, in order to identify porosities and loopholes, and to reallocate available human and technical resources accordingly;

1.10. The need to combat corruption in particular all services working at the country borders and all law enforcement agents and administrative bodies dealing with migrants inside of the country;

1.11. The need to investigate, prosecute and punish criminal activities related to the smuggling of migrants and trafficking of persons, and their perpetrators,

1.12. The facilitation of the implementation of reforms which could be promoted as a follow-up to the recommendations and the advice provided within this Action.

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

Expected results:

- Improved availability of appropriate technical and communication means and basic equipment for border control.
- Relevant staff is trained on new methods for improving border and migration management.

Indicative activities:

The Action will provide some equipment, with the aim to increase the technical capacity of the Libyan authorities to better detect irregular migration flows entering the country from its Southern borders. It also aims at enhancing capacities to better manage the apprehended irregular migrants in line with the best international practices and in full respect of their human rights, including on identification, registration, issuance of identity documents, and first aid, including also as regard the need to launch search and rescue operations. This equipment is to be deployed along the Southern borders of Libya. Some equipment could also be dedicated to a training centre, if established during the life time of the Action.

The detailed plans for procurement of equipment will be determined at the beginning of the Action on the basis of a detailed gaps-and-needs assessment. It could include radio and satellite communication devices, GPSs, magnifiers, passport readers and forensic kits for the identification of forged documents, computers, modems, digital cameras, scanners, printers as well as water tanks, medical kits or protection materials: clothes, blankets, food or medicaments etc.

All equipment provided under this Action will be accompanied by training on the use and the maintenance of the equipment delivered.

3.3. Risks and assumptions

The main risk that could jeopardise the achievement of the expected results is the lack of commitment of the Libyan authorities to fully engage in these activities or their possible slow reaction to the offer to cooperate on these issues.

However, the assumption is that the Libyan authorities will follow their commitment, as expressed in their declaration of readiness to cooperate with the EU in order to receive support for the better control of its borders, especially the southern land borders. This assumption is based both on the positive response of the Libyan Government to the FRONTEX led mission and on the bilateral contacts that are being held between Italy and Libya.

The Italian Ministry of Interior has a privileged position towards its counterpart in Libya. This is not only due to historical links or the geographical proximity of the two countries, but also due to the permanent bilateral contacts established in this specific area, and which includes the provision of equipment, training, advice, and carrying out joint operations. This positive cooperation is key for this Action and should minimize the possible risks of non-commitment from the Libyan side.

3.4. Crosscutting Issues

The project addresses particularly good governance and human rights issues. Good governance will be addressed through capacity building measures for the relevant authorities in the given area. Human rights are an issue of special attention in all of the activities undertaken by this Action and it will particularly contribute to ensuring that migrants in need of international protection along the southern borders of Libya shall have improved access to it.

3.5. Stakeholders

For the reasons mentioned above, the Italian Ministry of Interior is well placed to implement an Action providing support for enhancing the Libyan border management capacity. Currently it is also the only available legal entity having at the same time the technical, financial and human resources to carry out such a project, as well as the political and operational relations enabling them to implement this Action at short term in Libya.

The Ministry of Interior of Italy is encouraged to seek and accept the partnership and the cooperation, in the implementation of this Action, of FRONTEX, or any other law enforcement agency of an EU Member State willing and able to contribute to this Action, as well as IOM and the UNHCR. UNHCR in particular, is encouraged to be associated to the Action, with the aim to enhance its working relations with Libyan authorities, to help its staff to expand their monitoring and protection activities within Libya and possibly including the Southern borders.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

Direct centralised management

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

4.2. 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.

4.3. Budget and calendar

The Action will be financed by the European Commission with a contribution of 2 M EURO. Complementary funding is expected from some EU Member States. The operational duration of the Action is 36 months.

Indicative breakdown of EC contribution by main components (to be further detailed in the elaboration of the project document)	
Objective 1: To support Libyan authorities to improve their overall capacity to address irregular migration, through reforming their overall system of prevention and management of this phenomenon (experts' advice, equipment, training)	1.000.000
Objective 2: To support Libyan authorities to improve their capacity to intercept irregular migratory flows entering the country through its Southern borders, and to manage apprehended irregular migrants in accordance with the best international standards and in full respect of their human rights (experts' advice, equipment, training)	900.000
Other activities (Visibility, evaluation, audit etc)	100.000

This tentative budget breakdown will be revised and further detailed during the definition of the Action in a dialogue with the Libyan authorities and the Italian Ministry of Interior. However, no more than the 40 % of this overall project budget can be used to purchase equipment mentioned in the Objective 2.

4.4. Performance monitoring

Performance monitoring will be ensured through strict reporting requirements, regular debriefings and the full involvement of the steering committee in the planning process.

The performance of the implementation of the Action will be measured notably on the basis of the following indicators, which will be further specified and detailed in the log frame:

- The number of irregular migrants identified and apprehended by law enforcement agencies in Libya in the desert area at the Southern borders;
- The number of irregular migrants saved and rescued in the Libyan desert;
- The number of irregular migrants and refugees having been referred to UNHCR, IOM or to the relevant organisations as persons in need of international protection or assistance.
- The number of Libyan officials trained.

4.5. Evaluation and audit

A mid-term and external final evaluation may take place, and 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.

4.6. Communication and visibility

Adequate communication and visibility of the Action will be carried out by the Implementing Partner via widespread dissemination of project achievements and results in line with the EC Visibility Guidelines. Public events such as kick-off meetings, opening- and hand-over ceremonies will be carried out when and where applicable.

**ACTION FICHE FOR A GLOBAL INITIATIVE UNDER THE THEMATIC
PROGRAMME FOR THE COOPERATION WITH THIRD COUNTRIES IN THE AREAS OF
MIGRATION AND ASYLUM**

1. IDENTIFICATION

Title/Number	Promoting the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime		
Total cost	3.300.000 Euro (inc. 7% PSC) 90% EC contribution 300.000 Euro UNODC Contribution		
Aid method / Management mode	Project approach – joint management with UNODC		
DAC-code	15210	Sector	Security system management and reform

2. RATIONALE

2.1. Sector context

Human trafficking has over the past decade become one of the most profitable crimes world wide. Organized crime is also increasingly involved in providing smuggling services to irregular migrants. Traffickers and smugglers effectively exploit the various factors that make people wish to leave their countries or make them vulnerable to exploitation. Smuggling and trafficking operations contribute to fuelling corruption while their profits further empower organized crime, thus contributing to undermining a sound business environment for economic growth that would ease migratory pressures in countries of origin.

Victims of trafficking are subjected to various forms of exploitation, including working in sweatshops, exploitation in the sex industry and domestic servitude. Smuggled migrants are also often exposed to exploitation and deadly risks.

In response to improved border control measures, the share of irregular migrants who resort to services provided by profit-seeking smugglers has significantly increased. This development has driven up fees and profits allowing for more sophisticated operations. Yet, it has also contributed to establishing a low-cost segment of migrant smuggling where smugglers knowingly offer services that are more risky. As a result of this, the death toll of those who are smuggled has dramatically increased over the last years.

Despite the recent increased attention and awareness, there remains a considerable number of countries where anti-human trafficking and migrant smuggling legislation is still lacking or where only certain elements of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) and the UN Protocol on the Smuggling of Migrants by land, Sea and Air (Smuggling Protocol) are being addressed.

Many UN Member States lack the capacity and expertise to fully adapt their legislation to these instruments. In addition, as several UN Member States have not yet ratified or acceded to these instruments, working towards a globally applicable framework will remain a priority issue. While there are 119 parties to the Trafficking Protocol and 112 to the Smuggling Protocol to date, domestic legislation often falls short of meeting the minimum requirements of these Protocols. Many States have not yet adopted legislation criminalizing trafficking in persons and the smuggling of migrants.

As corroborated by recent and ongoing UNODC research, the criminal justice response by many countries to trafficking in persons and smuggling of migrants is significantly hampered by:

- (i) inadequate normative frameworks to prevent and combat trafficking in persons and smuggling of migrants;
- (ii) a lack of awareness among criminal justice practitioners, generally, of the nature and constituent elements of these two crimes, and;
- (iii) the lack of a critical number of criminal justice practitioners with the required specialised skills to lead national efforts to prevent, detect, investigate, prosecute and adjudicate cases of migrant smuggling and trafficking in persons, while protecting the rights of smuggled migrants as well as assisting and protecting victims of human trafficking.

In this regard, there is an urgent need for both large scale awareness raising and specialised training among criminal justice practitioners, including all law enforcement actors and, in particular, front line staff. Responding to human trafficking and migrant smuggling must be elevated to, and sustained as a priority in daily law enforcement work.

While human trafficking awareness raising campaigns haven been implemented, little effort has been made to raise awareness of the risks associated with the smuggling of migrants and its criminal nature. There is still a crucial need to better target awareness raising of both human trafficking and the risks associated with migrant smuggling through developing campaigns based on efficient research methodologies in order to identify target groups, and the ways and means to reach them.

2.2. Lessons learnt

In terms of coordination, while the involvement of international organizations (IOs) in providing technical assistance to States to implement the Smuggling Protocol is still limited and scattered on a global scale, a significant number of IOs have addressed the issue of human trafficking. By collectively addressing the latter issue, a certain division of work has already emerged in an endeavour to avoid duplication of work and create synergies between the IOs.

As reported by several countries, their constitutional framework requires to subject the ratification of these international legal instruments to the previous adaptation of the domestic legislation to the requirements of the international instruments, while others (often developing countries) express their political commitment through the ratification process, and initiate only then the internal legislative review and reform process – often with the assistance of UNODC – to bring the domestic legislation in line with the requirements of the instruments. Experience has shown that many countries require tailored technical and legal assistance to meet the requirements and put a comprehensive system in place, to prevent and combat THB and SM in an effective and efficient manner, address the transnational element of these crimes while protecting its victims and witnesses.

In response to the increasingly evident problem of human trafficking and exploitation, the UNODC, in conjunction with the United Nations Interregional Crime and Justice Research Institute (UNICRI) launched the Global Programme Against Trafficking in Human Beings (GPAT) already in March 1999. In an effort to better enable governments to respond to the issues of trafficking in persons, GPAT aims to shed light on the causes and processes of trafficking in persons, and promote the development of effective responses to these problems.

GPAT's' overarching objective is to bring to the foreground the involvement of organized criminal groups in human trafficking and to promote the development of effective criminal justice-related responses. One of the strategic areas of work of GPAT is the provision of technical cooperation, which involves assisting governments in their anti-human trafficking and migrant smuggling efforts. This work includes the training of criminal justice practitioners, providing Member States with legal advisory services and improving the capacity of Member States in their efforts to protect victims.

As a result of GPAT's past and ongoing technical activities the following **lessons learnt** have been identified shaping UNODC's current approach of providing technical and legal assistance in support of the implementation of both the Smuggling and Trafficking Protocol:

- Experience has consistently proven the importance of providing assistance in a manner that builds incrementally. To date, this has been put into effect by the design and implementation of replicable projects, following a modular approach. This approach has also been followed at the activity level, where, in recognition that no “one-size-fits-all”, efforts have been made to collect, analyse and make available diverse examples of different forms of best practice responses, such as those included in the UNODC Toolkit to Combat Trafficking in Persons.
- Further, the central importance of assessment activities to the success of technical assistance is critical. Noting that nationally-held information on human trafficking is generally very poor, there is a need for proper and more extensive assessment of human trafficking practices in countries and regions to develop effective technical assistance in those places and to monitor the impact of any actions taken.
- The key gap, to date, has been in the limited geographical application of technical assistance in support of the Protocol. While many activities have been successfully implemented and positively evaluated, there are many countries desperately in need of similar assistance.
- One of the most important lessons learnt stemming from UNODC's work in assisting Member States in preventing human trafficking and migrant smuggling is the need for ensuring sustainability and ownership. National ownership is the pre-condition for ensuring that technical assistance work will result in lasting and sustainable results. That is why the proposed Action places particular emphasis on raising awareness of human trafficking and migrant smuggling among parliamentarians. Only through catalyzing change in the mindset of decision-makers, the necessary political momentum can be generated to translate declared commitment into sustainable action.
 - In this regard, another crucial precondition for achieving a sustainable impact is to ensure that states establish an adequate normative framework in which measures to prevent migrant smuggling and human trafficking have to be embedded. Without adequate legislation, any action against these crimes – ranging from preventive to prosecutorial measures – becomes discretionary and volatile. That is why assisting states in bringing their legislation in to line with the Protocols is another objective of the proposed Action.

- A key to success in increasing sustainability of technical assistance is to catalyze lasting change at the level of human capacities and the mindset. That is why the proposed action places particular emphasis on human capacity building through establishing lasting training structures by incorporating both basic and in-depth training into the curricula of national institutions who are responsible for the training of criminal justice practitioners. Training sessions will help to generate basic knowledge, specialist skills in identification and investigating these crimes and assist in the effective prosecution of offenders amongst specialized police units and criminal justice practitioners on local, regional and international levels.
- Moreover, reflecting another important lesson learnt, the proposed Action is designed to avoid any activities that would require substantial financial support after its conclusion.

In addition, UNODC launched the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in March 2007. While UN.GIFT has been designed to become a primary instrument of fostering global adherence and political will, GPAT continues being the primary instrument for delivering technical assistance to Member States. While UN.GIFT will contribute to creating mounting international pressure on states to tackle the implementation gap, GPAT will assist states in effectively filling this gap through action. UN.GIFT will complement and facilitate this effort by building partnerships with different stakeholders including governments, the international community, non-governmental organizations and other elements of civil society and media to foster awareness, global commitment and action to stop this despicable trade world-wide.

2.3. Complementary actions

The Action complements other ongoing or planned EC programmes and projects aiming to strengthen partner countries' capacities to better address the challenges of trafficking in human beings and smuggling of migrants, as well as to fight organised crime more efficiently.

In particular, with the financial support of the AENEAS programme, the UNODC is implementing, with the partnership of EUROPOL, two projects respectively covering the entire North and West Africa:

"Strengthening the Criminal Justice System Response to Smuggling of Migrants in North Africa": this project, implemented by UNODC in partnership with EUROPOL, co-funded by the EC up to 1.5 M EUR, aims at fostering ratification, legal enacting and effective implementation of the Smuggling Protocol in Morocco, Algeria, Tunisia, Libya and Egypt through legal advice, seminars, training, workshops and studies. Staff of ministry of Interior, law enforcement officers, prosecutors and judges are the main target as regards training and legal advice.

"Law Enforcement Capacity Building Project for West Africa in Preventing and Combating the Smuggling of Migrants": this project, implemented by UNODC in partnership with EUROPOL, co-funded by the EC up to 2 M EUR, aims at promoting the effective capacity to combat networks of migrant smuggling in every country of the ECOWAS region and in Mauritania, through providing training to officers of West African countries' law enforcement agencies (including prosecutors and judges), support for the creation and running of networks among contact points to be established and equipped at national level.

In addition, the EC finances or has recently funded under its geographic or thematic instruments, projects related to smuggling of and of trafficking in human beings in Albania, Ukraine, Belarus, Moldova, Armenia, Azerbaijan, Georgia, Turkey, Russian Federation, Pakistan, Bangladesh, Cambodia, Myanmar, Indonesia, Malaysia, Benin, Gabon, Zambia, South Africa, United Arab Emirates, Bahrain, Kuwait.

Furthermore, the EC is implementing under the Instrument for Stability a project on the fight against trafficking from/to Afghanistan, which aims to strengthen the capacities of the member countries of the Economic Cooperation Organisation (ECO)⁶ to fight drug but also other forms of trafficking along the heroin route, in the areas of regional coordination as well as exchange of information and intelligence (including via Interpol), forensics and border control.

In addition to the aforementioned EC-funded projects, UNODC is currently implementing a series of complementary projects funded by other donors, which address the issues of human trafficking and migrant smuggling through activities at global, regional (Western Balkans, Black Sea region, Eastern Africa, Western Africa, South Asia, Central America) or national (Senegal, Lebanon, India, Laos, Uzbekistan, Moldova, Colombia, Brazil) level.

2.4. Donor coordination

UNODC will implement the Action in close coordination with the European Commission, the beneficiary countries and other relevant donors and stakeholders, notably in view of ensuring complementarity and possible synergies with other actions carried out in the same field. For that purpose, UNODC will regularly and without delay inform the steering committee foreseen under heading 4.1 about the preparation, initiation and progress of other relevant actions undertaken under its responsibility or of which it is informed.

In order to avoid duplication and ensure the creation of synergies between past and ongoing UNODC projects and the activities to be carried out under this Action, an internal UNODC Action Coordination Team (ACT) will be set up. This team will consist of two staff members respectively working in the Anti Human Trafficking and the Migrant Smuggling Unit (AHTMSU)/Division for Operations and the Organized Crime and Criminal Justice Section (OCCJS)/Division of Treaty Affairs. The ACT will liaise with UNODC regional desks at the headquarters and the field offices in order to ensure the overall coordination between past and ongoing UNODC projects and the activities to be carried out under this Action. The ACT will also be the counterpart for EC in implementing the project.

In this context, the Programme and Financial Information System (Profi) plays a pivotal role in ensuring adequate coordination between ongoing UNODC projects and the UNODC activities carried out under this Action. UNODC administers all past and ongoing projects by using this specialised state-of-the art database. Upon request, donors can access this database through an interface, thus allowing them to keep track on all UNODC past and ongoing projects.

⁶ The ECO member countries are: Iran, Afghanistan, Pakistan, Turkey, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, Turkmenistan.

3. DESCRIPTION

3.1. Objectives

The **Overall Objective of the Action** is to prevent and combat human trafficking and migrant smuggling by promoting the ratification and implementation of the Trafficking and Smuggling Protocols.

More specifically the Action aims to achieve the following two specific objectives:

- **Specific Objective 1:** To advocate for global adherence to the Smuggling and Trafficking Protocols and to support UN Member States in their ratification and/or accession efforts by assisting them in bringing their legal frameworks in compliance with the requirements of these instruments.
- **Specific Objective 2:** To assist governments in strengthening their capacities, in particular of their criminal justice systems, to effectively prevent, investigate, prosecute and adjudicate cases of trafficking in persons (TiP) and smuggling of migrants (SoM) including through cooperation with third countries, while protecting the rights of smuggled migrants as well as assisting and protecting victims of human trafficking, including through appropriate prevention programmes and awareness campaigns.

3.2. Expected results and main activities

The **first specific objective** (ratification of the protocols and their transposition into domestic law) is composed of the following expected results and related activities:

- expected results:

- 1) Increased number of countries that have ratified the Protocols on Smuggling and Trafficking.
- 2) Increased compliance of domestic legislation of beneficiary countries with the Protocols on Trafficking and Smuggling.

- activities:

- 1) Carry out awareness-raising activities in selected countries which have not yet ratified both Protocols, such as organisation of campaigns and workshops or the publication and dissemination of information material, with a view to mobilising members of parliament, relevant ministries and administrations, as well as relevant civil society actors.
- 2) Conduct legislative gap analyses and provide legal advisory services in selected beneficiary countries, notably through workshops on legislative drafting, to train and assist relevant government services/ministries, parliamentarians and parliamentary staff in reviewing and drafting domestic legislation so as to ensure compliance with the protocols.

It is understood that activities under 1) and 2) are in general intertwined and, where relevant, carried out in parallel in the beneficiary countries.

The **second specific objective** (capacity-building in beneficiary countries to implement the protocols) is composed of the following expected results and related activities:

- expected results:

- 1) Increased number of criminal justice actors (law enforcement and other relevant officials, prosecutors, judges and lawyers) enabled to implement the provisions of the Trafficking and

Smuggling Protocols and to make effective use of mechanisms for international cooperation in criminal matters.

2) Increased protection in selected beneficiary countries of victims of human trafficking in accordance with the Protocol on Trafficking.

3) Increased awareness among the general public, in particular vulnerable groups and groups prone to migration, that human trafficking and smuggling of migrants are criminal activities that pose serious risks to them and the societies concerned.

- activities:

1) Develop training modules and provide tailor-made training to competent authorities (i.e. law enforcement agencies, judiciary and other relevant administrations) and other relevant actors (i.e. lawyers) of selected beneficiary countries on the implementation of the Protocols on Trafficking and Smuggling. Training events should in particular promote inter-agency and international cooperation, notably through the inclusion of participants from different authorities and/or beneficiary countries, as well as EU Member States experts.

2) Support selected beneficiary countries, including relevant civil society actors, in taking appropriate measures and setting up concrete mechanisms in their criminal justice system to assist and protect victims of human trafficking in line with articles 6, 7 and 8 of the Protocol on Trafficking, notably in view of ensuring the physical, psychological and social recovery of the victims.

3) Develop methodologies for the design of tailor-made awareness-raising campaigns, and implement such a campaign in one selected pilot country, possibly through media activities as well as publication and dissemination of information material, for awareness-raising of the general public, and in particular vulnerable groups, on human trafficking and migrant smuggling as criminal activities posing serious risks to the victims/migrants.

The beneficiary countries for the activities under specific objectives 1 and 2 will be selected by the Steering Committee described below under section 4.1. The selection will in particular take into account:

- the legal provisions of the EC Regulation 1905/2006 establishing the Thematic Programme for the cooperation with third countries in the field of migration and asylum, and the indications on geographic priorities provided by its MIP 2007-2010, which refers to countries located in Southern and Eastern Asia, Middle East, North and Sub Saharan Africa, and to a lesser extent Latin America and the Caribbean;
- the ownership and willingness of a country to benefit of this Action;
- other similar activities carried out in this field, notably with a view to creating synergies and to avoiding duplication of efforts.

3.3. Risks and assumptions

The proposed Action is based on the assumption that the selected beneficiary countries are fully committed to the Action. Further, it is assumed that the national authorities will allow relevant staff to actively participate and contribute as required in project activities, and facilitate all project-related activities in their respective countries. It is also assumed that governments are receptive and committed to adopting the recommendations provided by experts.

There are few physical, environmental or economic risks involved in the Action. The political risks are common to all cooperation projects in the target countries. The main risk that may ultimately prevent the achievement of the overall objective is that preventing and combating TiP and SoM may not generate the required dedication by the concerned national authorities, given the number of competing priorities in the target countries. Risks to the sustainability of the project and the progress of activities include frequent turn over of officials from one function to another and therefore there is the potential for a lack of continuity at institutional level. Structural changes within the counterpart agencies may hamper the implementation of activities initiated under the Action. Some agencies may fail to cooperate with one another in such situations.

To minimise the risks, UNODC will exercise significant efforts to ensure that all involved entities and staff fully understand the Action and its strategy and the expectations from those involved from the outset. Contingency Plans include building sustainable and ongoing communication channels with relevant agencies to clarify doubts and assist in advocacy. The Action will wherever possible build upon existing structures and initiatives on the national level.

3.4. Crosscutting Issues

Thanks to the capacity-building and awareness-raising measures provided through the Action, human rights will be supported in the sense that there should be less victims of human trafficking and migrant smuggling, and that the rights of those who fall victim of these criminal activities should be better protected, in accordance with the rights of the victims of trafficking/migrants as laid down in the two protocols.

As women are a particularly vulnerable group for human trafficking, the Action will also contribute to gender equality by strengthening the rights and the position of the victims during the investigations and prosecutions by the competent authorities. Furthermore, the Action will seek to ensure to the extent possible a gender balance in the different activities to be carried out, notably with regard to the participants to training events.

Finally, the Action will also contribute to good governance in the beneficiary countries, through the strengthening of their criminal justice systems and the harmonisation of their domestic legislation with international standards and obligations, which will in turn also further reinforce the respect of human rights standards at a general level.

3.5. Stakeholders

Targeting parliamentarians at large and criminal justice practitioners in selected countries, the proposed action will 1) allow the relevant institutions to increase their capacities to undertake anti-trafficking and migrant smuggling measures through improved legislation and strengthened implementation structures; and 2) improve the expertise of practitioners to better implement the legislation through training.

Benefiting actual and potential victims of human trafficking the project will 1) improve the implementation of the rights of victims of trafficking through successful prosecution of cases brought against the traffickers as a consequence of strengthened national legislation, improved capacity within the criminal justice system and improved international cooperation, 2) support victims to obtain legal redress/compensation for damage suffered, and 3) potential victims will avoid being trafficked and actual victims avoid being re-trafficked as a consequence of improved awareness among authorities.

Benefiting potential and actual smuggled migrants themselves, who will benefit from 1) legislation providing for greater protection and exemption from criminal liability; and 2) from

not being smuggled and thus not being exposed to the usual risks associated with the smuggling process and their illegal stay in the destination countries.

By ultimately targeting the perpetrators and criminal groups involved in smuggling of migrants and human trafficking, the Action will contribute to reducing the adverse effects that smuggling of migrants and trafficking in persons have on the societies of the countries of origin, transit and destination.

Benefiting destination countries, the project will 1) reduce the number of persons trafficked and smuggled to the EU and 2) increase the cooperation between origin, transit and destination countries and coordinated action to successfully prevent and combat migrant smuggling and human trafficking.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

The Action will be carried out in joint management through the signature of a Contribution Agreement with the United Nations Office on Drugs and Crime (UNODC), and in accordance with the FAFA concluded with the UN. UNODC is a global leader in the fight against illicit drugs and international crime. Established in 1997, UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism. UNODC is also the custodian of the UN Convention against Trans-national Organised Crime and its supplementing Protocols on Trafficking and Smuggling.

The Action will be implemented in particular through the following UNODC services: the Organized Crime and Criminal Justice Section, the Anti Human Trafficking and Migrant Smuggling Unit, the Research and Analysis Section and the Advocacy Section (all based at HQ in Vienna), in cooperation with the relevant UNODC regional desks at headquarters and Field Offices in the respective target regions. Other competent actors in the area of human trafficking and migrant smuggling, such as Europol, Frontex or Interpol, will be associated to the implementation of the Action where relevant.

The detailed activities of the Action will be decided and possible beneficiary countries will be selected in the course of or shortly after the signature of the Contribution Agreement. For the implementation of the Action will be created a specific Steering Committee composed of representatives of the EC and UNODC, which can agree to associate also other representatives, in particular from beneficiary countries. The Steering Committee will regularly meet each semester, with the first meeting taking place shortly after the signature of the Contribution Agreement. Extraordinary meetings can be convened by each member with a due justification. The Steering Committee will have in particular the following tasks:

- to discuss and decide on detailed activities as well as on beneficiary countries;
- to inform each other and discuss about complementary activities and other relevant events which may have an impact on the Action, with a view to adjusting activities and reviewing beneficiary countries, where necessary;
- to measure progress in the implementation of the Action, with a view to taking remedies, adjusting activities and reviewing beneficiary countries, where necessary.

4.2. 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 UN.

4.3. Budget and calendar

The Action will be financed by the European Commission with a contribution of 3 M€, corresponding to 90% of the total budget. UNODC will co-finance 300.000 €.

The operational duration of the Action is of 36 months.

Indicative breakdown of overall amount by main components

Expected results	Financial forecast
Specific objective 1 (ratification of the protocols and their transposition into domestic law)	
1) Increased number of countries that have ratified the Protocols on Smuggling and Trafficking	500.000 400.000
2) Increased compliance of domestic legislation of beneficiary countries with the Protocols	
Specific objective 2 (capacity-building in beneficiary countries to implement the protocols)	
1) Increased number of criminal justice actors enabled to implement the provisions of Protocols and to make effective use of mechanisms for international cooperation in criminal matters	800.000 100.000 600.000
2) Increased protection in selected beneficiary countries of victims of human trafficking in accordance with the Protocol on Trafficking	600.000
3) Increased awareness among the general public, in particular vulnerable groups and groups prone to migration, that human trafficking and smuggling of migrants are criminal activities that pose serious risks to them and the societies concerned	300.000

4.4. Performance monitoring

The performance of the implementation of the Action will be measured notably on the basis of the following indicators, which will be further specified in the log frame:

Specific objective 1:

Result 1: number of countries having initiated or completed ratification after implementation of the Action

Result 2: degree of compliance of domestic legislation with the two Protocols after implementation of the Action

Specific objective 2:

Result 1: number of personnel trained; number of trafficking and smuggling cases investigated and judged; number of requests for international cooperation; number of convictions

Result 2: number of identified victims of human trafficking benefiting from better assistance and protection

Result 3: new methodologies for awareness-raising developed; number of potential victims/migrants whose awareness has been raised after implementation of the Action

4.5. Evaluation and audit

UNODC has adopted results-based management to ensure effective delivery of technical assistance, which will also apply to this project. In this regard the project will be subject to regular monitoring. A mid-term review and an independent final evaluation will be carried out as well as a tri-partite review involving the European Commission, implementing agency and beneficiaries. Reports of the reviews and the final evaluation will be made available to the European Commission, in accordance with the FAFA.

4.6. Communication and visibility

The visibility of the EU will be ensured by UNODC in accordance with the FAFA, the 2006 EC-UN Joint Action Plan on Visibility and the EC Guidelines on Visibility.

ACTION FICHE FOR A GLOBAL INITIATIVE UNDER THE THEMATIC PROGRAMME FOR THE COOPERATION WITH THIRD COUNTRIES IN THE AREAS OF MIGRATION AND ASYLUM

1. IDENTIFICATION

Title/Number	Strengthening the Cape Verde capacity to manage labour and return migration within the framework of the mobility partnership with the EU		
Total cost	Total cost: € 1.250.000 EC contribution 1.000.000 (80%) Portugal 125.000 (10 %) Spain 125.000 (10 %)		
Aid method / Management mode	Project approach – Direct centralised management		
DAC-code	15140	Sector	Government administration

2. RATIONALE

2.1. Sector context

Migration is historically a key issue in Cape Verde. Few, if any, countries have experienced emigration as extensively as Cape Verde. The diaspora outnumbers the resident population, and virtually every family has emigrant members. Recent decades have been marked by declining emigration, increasing population growth, and considerable immigration pressure (mostly from Western Africa). While the economic, social and general governance situation of the country have been steadily improving, labour migration (including temporary migration), especially to Europe, remains an attractive option for many Cape-Verdean citizens.

At the same time, well-managed migration can help individual EU Member States meet the needs they have identified on their labour markets. In order for such migration to be beneficial to all parties involved, appropriate matching mechanisms need to be in place as well as schemes that help future migrants to be well prepared – both professionally and culturally – for the migratory experience. Good preparations and appropriate support can also help ensure that return is successful and productive in the case of temporary migration.

The principal objective of the EC external assistance to Cape Verde over the period covered by the Country Strategy Paper (2008-2013) is to support the development of an increasingly close relationship between the EU and Cape Verde. In this context, in December 2007 the Council has approved the establishment of a "Special Partnership" with Cape Verde with the aim of strengthening and deepening the relations between the EU and Cape Verde, in the

framework and within the limits of the Cotonou Agreement. An Action Plan has been developed and the priority areas for this Action Plan are among others to enhance the cooperation in the area of migration.

In addition, the EU and Cape Verde are negotiating a mobility partnership, following the Commission Communication of May 2007 on *Circular migration and mobility partnership between the European Union and third countries* and as a follow up to the EU Council Conclusions of December 2007, the Commission and the EU Member States are establishing a pilot mobility partnership with Cape Verde, whose contents and specific terms of participation will be defined at the EU JHA Council in June 2008. The EU-Cape Verde mobility partnership will encompass many political areas and of cooperation. Within the framework of the pilot mobility partnership between the EU and Cape Verde, this project has as overall objective to promote legal mobility between the two parties, and will facilitate in particular the implementation of the aspects, within the partnership, which are related to labour, return and, broadly speaking, circular migration.

2.2. Lessons learnt

This project is particularly based on previous experiences in developing similar projects, notably in Morocco, such as the ANAPEC and the Cartaya project, supported by the EC respectively through the MEDA and the AENEAS programme. These projects have demonstrated that it is possible to set up an efficient and sustainable system to provide information to would-be migrants on job vacancies available to them in the labour market of EU Member States, and that a facilitated access to this kind of information and in general to the legal channels of migration substantially discourage at least a part of the would-be migrants from considering illegal emigration to the EU.

There are not yet, however, many examples of successful projects facilitating the voluntary return of migrants to their home country in view of fostering their own and the homeland development, despite an increasing number of recently started projects having this objective.

2.3. Complementary actions

In Cape Verde the following actions are clearly complementary and preparatory to the current Action:

a) The Portuguese Institute for Development Assistance IPAD (an autonomous structure linked to the Ministry of Foreign Affairs in Portugal) is supporting the **CAMPO project**, which provides information to Cape Verdean nationals on rules of legal entry, stay and work in Portugal.

b) The AENEAS programme and the Portuguese Institute for Development Assistance are supporting a project called **DIAS (Diaspora for development) de Cabo Verde**, which helps the Institute of the Communities of Cape Verde (an autonomous institution linked to the Ministry of Foreign Affairs of this country) to maintain its contacts with Cape Verdean diaspora members and to promote the use of the skills held or acquired by the latter for the benefit of Cape Verde's development through facilitating short-term return missions of the most skilled ones among them. Many different public and private associations located in Cape Verde, Portugal, the Netherlands and Italy, and the International Organisation for Migration, are partners and associates under this project.

c) Spain is bilaterally defining a project with the Ministry of Foreign Affairs and the Institute of the Communities of Cape Verde in order **to better mobilize Cape Verdean competences abroad.**

d) The AENEAS programme is also funding a project called **"Fit for Europe – Training for a positive migration"** implemented by the Oviedo Chamber of Commerce, Industry and Navigation, in partnership with several partners located in Spain and Italy. This project aims at providing information to would-be migrants from Morocco, Senegal and Cape Verde on existing job vacancies in certain professional sectors in certain regions of these two EU Member States and to facilitate the acquisition of the required professional skills through vocational training. This project disseminates the information and the training through a network of Chambers of Commerce; those involved in Cape Verde are the ones in Barlavento and in Sotavento.

In addition, other projects in the fields of vocational training and employment which are being implemented by different partners should be taken into account in the development of this project, in order to maximize its results, benefit from their experiences and avoid overlapping of actions and structures. For instance, Spain is currently launching centers of vocational training and career guidance (for women) in order to promote women entrepreneurship; it is also contributing to the implementation of the Strategic Plan for Vocational Training and a Training Workshop will be set up in the course of the current year.

2.4. Donor coordination

The current Action has been identified through an active process of consultation which involved all the EU Member States, in particular Spain and Portugal, as well as Cape Verdean authorities, within the framework of the preparation of the Mobility Partnership between the EU and Cape Verde.

The close coordination and cooperation in the preparations of this project will continue and also involve any other relevant actors in this area, through the Local Monitoring Group or potentially under the establishment of a specific Migration Cooperation Platform in Cape Verde. The Implementing Partner will ensure complementarity and possible synergies with other actions carried out in the same area, including with the commitments envisaged under the Joint declaration on a Mobility Partnership between the European Union and Cape Verde.

3. DESCRIPTION

3.1. Objectives

The **Overall Objective of the Action** is to promote legal mobility between Cape Verde and the EU.

Specific Objective 1: to encourage Cape Verdeans willing to emigrate to the EU to make use of legal channels of emigration, and facilitate finding jobs up to their skills or acquiring skills up to the proposed jobs.

Specific Objective 2: to facilitate the smooth reintegration into the Cape Verdeans labour market of Cape Verdeans voluntarily or forcibly returning home from the EU, and help Cape Verdeans migrants to make the best possible use of the skills and resources acquired through the experience of migration for the benefit of their own and Cape Verde's development.

3.2. Expected results and main activities

The **first specific objective** is composed of the following expected results and related activities:

- 1) Encouraged use of existing legal channels for emigration and increased opportunities for labour migration towards the EU;
- 2) Enhanced possibility to protect Cape Verdean migrants' rights and to prevent them from falling into the risk of being trafficked, exploited or involved in illegal migration.
- 3) Increased knowledge, among the Cape Verdean population, of the rules for legal mobility and residence in the EU; increased awareness of the risks connected to illegal migration, especially among vulnerable groups such as young women.

Indicative activities:

The first component of the project will offer for Cape Verde nationals willing to leave their country, information on rules on legal entry, stay and work in the EU, as well as on concrete labour opportunities offered in the labour markets of the EU Member States participating in the project

- by setting up a centre, to be linked to the Cape Verde Institute of Employment and Professional Training (an autonomous institution linked to the Ministry of Labour), aimed at providing information to Cape Verdean would-be migrants on job vacancies available to them in the labour markets of the EU MSs participating in the project;
- by providing, through this Center, training to Cape Verdean would-be migrants facilitating for them to learn and cope with the technical requirements set by employers, as well as information and assistance to cope with the administrative requirements set by the EU MSs participating in the project as regards legal entry, stay and work on their territory;
- by providing pre-departure training on various issues, including on rights of regular immigrants in EU MSs, on the best modalities to transfer remittances in a cheaper manner and to use them for income generating and socially relevant purposes.

The **second specific objective** is composed of the following expected results:

- 1) Strengthened capacity of Cape Verdean authorities to collect and provide information on job vacancies available in Cape Verde and to promote and support the return back of Cape Verdean migrants into the Cape Verdean labour market;
- 2) Increased opportunity for Cape Verdean voluntarily or forcibly returning back home to smoothly reintegrate into the labour market;
- 3) Increased capacities of the Cape Verdean authorities to maintain and develop the contacts with the Cape Verdean nationals residing abroad and to elaborate specific policies addressing diasporas in the main destination countries;
- 4) Enhanced possibility for Cape Verdean migrants in the EU to receive information facilitating the cheaper transfer of remittances back home and their best use of income generating purposes;

- 5) Increased knowledge of the size and characteristics of migration flows by the Cape Verdean authorities.
- 6) Increased support to the economic development of Cape Verde through enhanced transfer of remittances and their use for income generating activities.

These results will be achieved mainly through the following activities:

- by providing support to the Cape Verde Institute of Employment and Professional Training in increasing its capacity to collect information on job vacancies available in Cape Verde and to disseminate this information through its websites and job fairs to be organised in relevant EU MSs;
- by supporting the establishment in every EU MS participating in the project, mechanisms of coordination between their Ministries of Employment and Cape Verdean authorities (such as the Cape Verde Consular service, to the Institute of Communities and to the Cape Verde Institute of Employment and Professional Training) so that Cape Verdean migrants could receive information, assistance and advice, either as regards issues related to their migration inside the EU or as regards the possibility to successfully return back home;
- by supporting the Cape Verde Institute of Employment and Professional Training in connection with the Institute of Communities to offer training to Cape Verdean migrants willing to reintegrate the labour market of the home country and in need of support to meet the job requirements set locally;
- by supporting the Cape Verdean authorities in general to assess the quantity and quality of migratory flows from Cape Verde, the trends, the current and possible impact on the labour market in Cape Verde, also in view to anticipate possible internal shortages as regard manpower and labour skills.
- by reinforcing the capacities of the Cape Verde institutions allowing the diasporas to access information about investments and employment opportunities, to mobilise them to continue investing in their origin country, and to provide training and technical support to find and develop income generating activities.
- By creating a financial mechanism, in Cape Verde, that creates a favourable environment for the return.

3.3. Risks and assumptions

The current Action is an important component of the long-term process of the Mobility Partnership with Cape Verde, and therefore it is of interest to the EU Member States, the European Commission and Cape Verdean partners to assure the sustainability of the commitments taken in this process. Coordination among project activities and the commitments envisaged under the Joint declaration on a Mobility Partnership between the European Union and Cape Verde will require considerable efforts throughout the implementation of the project. In this respect the setting up of a consortium among institutional stakeholders appears to be the most suitable form to ensure coordination and maximise the results.

A crucial condition for the success of the project is that all the parties involved play a proactive role. One key assumption is that the participating Member States will be proactive

in providing information on concrete job vacancies available to Cape Verdean migrants. A stable commitment from the Cape Verdean government's side to improve its migration management in a comprehensive manner is equally important.

Limited administrative and human capacities within the relevant institutions could hamper the impact of the Action. In order to limit this risk the project activities have been designed as much as possible as a continuation of previous activities.

3.4. Crosscutting Issues

The project will have no foreseeable impact on the environment. The project addresses gender equality, good governance and human rights. Gender equality will be promoted through the legal labour opportunities by Cape Verdean women, who work illegally abroad in greater numbers than men and, as domestic services are to a greater extent placed in the shadow economy. Good governance will be addressed through capacity building measures in the given area. Human rights will be addressed through the dissemination of information on the risks of illegal migration and trafficking and through promotion of legal migration.

3.5. Stakeholders

By addressing Cape Verdean authorities in charge of migration policies, the Action will increase opportunities for legal mobility between Cape Verde and EU. Current and potential returnees will therefore benefit from the Action through harnessing the development potentials of return and circular migration flows.

Disseminating information on legal migration avenues, the project will benefit potential and current migrants and their families by enhancing the protection of their rights both in the country of destination and once returned home.

Targeting several institutions of Cape Verde (the Institute of Communities, the Institute of Employment and Professional Training, the Ministries of Labour and of Foreign Affairs etc.), the Action will support their increased capacity to organise and manage data concerning labour demand and supply.

Labour agencies, employer organisations and any other relevant organisation of Cape Verde and EU MSs, including also international organisations (in particular the International Organisation for Migration) could also be potential stakeholders in the Action.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

Direct centralised management.

A grant agreement will be signed with the Portuguese Institute for Development Assistance (IPAD – Instituto Português de Apoio ao Desenvolvimento, an autonomous structure linked to the Ministry of Foreign Affairs in Portugal), in partnership with the Spanish Cooperation Agency. The choice of a grant agreement with a Member State public body, on the basis of Article 168 (f) of the Implementing Rules of the Financial Regulation, is justified by the specificities of this project, which takes place within the framework of the first pilot Mobility Partnership, and involves complex and sensitive issues such as management of labour migration. Among the EU Member State public bodies, the choice of the Portuguese Institute

for Development Assistance is justified by the combination of a number of reasons, such as the specific links existing between Portugal and Cape Verde, the capacity of the IPAD to carry out similar development assistance projects and the unique experience acquired through the CAMPO project, which so far is the only project involving pre-departure information to Cape Verde would-be migrants.

4.2. 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.

4.3. Budget and calendar

The Action will be financed by the European Commission with a contribution of 1 M EURO corresponding to 80 % of the cost for the Action. The operational duration of the Action is 36 months.

Indicative breakdown of EC contribution by main components (to be further detailed in the elaboration of the project document)	
Objective 1: to encourage Cape Verdeans willing to emigrate to the EU to make use of legal channels of emigration, and facilitate for them finding jobs up to their skills or acquiring skills up to the proposed jobs.	400.000
Objective 2: to facilitate the smooth reintegration into the Cape Verdeans labour market of Cape Verdeans voluntarily or forcibly returning home from the EU, and help Cape Verdeans migrants to make the best possible use of the skills and resources acquired through the experience of migration for the benefit of their own and Cape Verde's development.	500.000
Other activities (Visibility, evaluation, audit, project management etc)	100.000

4.4. Performance monitoring

Performance monitoring will be ensured through strict reporting requirements, regular debriefings and the full involvement of the steering committee in the planning process.

The performance of the implementation of the Action will be measured notably on the basis of the following indicators, which will be further specified and detailed in the log frame:

- Information campaigns to reduce negative consequences of migration and prevent irregular migration and other related crimes.
- Number of bi-lateral agreements on social protection of migrant workers signed between Cape Verdean and host countries.
- Number of returned and reintegrated migrants
- Number of business and initiatives to invest remittances
- Number of job seekers having been recruited

4.5. Evaluation and audit

Evaluation and audit mechanisms will be laid down by Cape Verdean authorities, the IPAD and the AECID after consultations in Praia before launching the project.

A mid-term and external final evaluation may take place, and 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.

4.6. Communication and visibility

Adequate communication and visibility of the Action will be carried out by the Implementing Partner via widespread dissemination of project achievements and results in line with the EC Visibility Guidelines. Public events such as kick-off meetings, opening- and hand-over ceremonies will be carried out when and where applicable.

Whenever possible and when circumstances require communication activities and visibility, the representation of the EU and every Member State taking part in the project will be assured, according to their internal procedures

**ACTION FICHE FOR A GLOBAL INITIATIVE UNDER THE THEMATIC
PROGRAMME FOR THE COOPERATION WITH THIRD COUNTRIES IN THE AREAS
OF MIGRATION AND ASYLUM**

1. IDENTIFICATION

Title/Number	Management of Member States Experts for short-term technical assistance, facilitating technical cooperation with partner countries for preventing and managing illegal immigration		
Total cost	€ 3 Million		
Aid method / Management mode	Project approach – Joint management with ICMPD 100 % EC contribution		
DAC-code	15210	Sector	Security System management and reform

2. RATIONALE

2.1. Sector context

The political agenda has been set for migration issues over the past three years at global (UN High Level Dialogue, 2006; Global Forum, 2007), regional (EU Global Approach, European Council Conclusions 2005/ 2006 and 2007; Common position by the African Union, 2006; Tripoli Conference, 2006 and Lisbon summit, 2007), sub-regional (Rabat conference, 2006) and national levels. The main characteristics has been the linkage between migration and development issues aiming at an overall balanced approach to migration focusing simultaneously on illegal and legal migration and on migration and development. As a highly sensitive political issue migration will remain on the top of the political agenda for the years to come. For the EC this means a considerable pressure to demonstrate that the political agenda is being integrated into cooperation strategies with partner countries and implemented effectively. The present Action is a contribution to this effort.

The Action will address four shortcomings which the EC often encounters in the cooperation with partner countries in the area of migration:

1. Lack of institutional capacity: Most partner countries engaged in a migration dialogue with the EC are committed to addressing migration issues given its political, economical and social impact. However, they very often lack institutional capacity to fulfil their obligations stemming from relevant international conventions or political commitments in this field.
2. Possibility to provide short-term capacity building: The EC mainly provides mid-and long-term assistance in its cooperation with partner countries. However, sometimes a more short-term and targeted assistance is required in the area of migration, and the current EC mechanisms established are not always suitable for this type of interventions.

3. Trust in a sensitive cooperation area: As a rather new topic for cooperation, mutual understanding has to be enhanced, trust to be built and approaches explored and tested. Often short-term capacity building responds to these needs as a starting point.

4. Access to specific expertise: Expertise in the area of migration can mainly be found in the national administrations of EU MS. This expertise has to be made available to partner countries through a specific mechanism which ensures the backing up of experts, which capitalises on the deployed expertise and safeguards complementarity with existing EC mechanisms such as TAIEX and Twinnings.

2.2. Lessons learnt

The EC mainly provides mid-and long-term assistance in its cooperation with partner countries. However, for situations where time is not yet ripe for long-term capacity building since trust is lacking or the institutional capacity not given, short-term capacity building has to be seen as a necessary tool, which is currently lacking in the area of migration for the cooperation with most partner countries.

The EC has worked with MS experts in different ways in the past. The most relevant examples are TAIEX and Twinnings. In addition, several specific projects have been implemented focussing on the use of EU MS expertise such as the JHA assessment missions for the W. Balkans, JHA assessment missions to Ukraine and similar actions.

These projects have shown that:

- Proper preparation of missions, briefing of experts and their backstopping has to be ensured
- Communication and information flows between all actors involved must be ensured
- A functional database on experts and past actions is needed as support tool

2.3. Complementary actions

The EC has integrated migration issues into its cooperation strategies with all partner countries. Most ongoing projects in the area of migration can be found at present in the neighbourhood region either financed by the ENPI or the thematic programme for cooperation with third countries in the area of migration and asylum.

However, short term assistance to partner countries in the area of migration is only delivered to a limited extent and the present Action intends to fill this gap.

Complementarity with regard to concrete activities will be ensured through the close involvement of the concerned EC delegations in their planning and the relevant EC services in Brussels through the established steering committee. Since the project is based on EU MS cooperation complementarity with EU MS actions will be facilitated.

2.4. Donor coordination

The Action will be clearly policy driven, i.e. based on the political dialogues conducted with the relevant partner countries. Any action will have to be requested by the partner country and approved by the EC.

EU MS will be consulted on the various activities of the Action through the annual/ six months planning process and will be debriefed in regular intervals. The Action can only function when EU MS cooperate in it.

For each specific intervention undertaken under this Action, coordination will be ensured with other donors through the donor coordination mechanism (Migration cooperation platform or similar) in the country where the activity will take place.

3. DESCRIPTION

3.1. Objectives

As defined by the thematic programme strategy paper, the **overall objective** of the proposed Action is to enhance the capacities of partner countries to prevent and manage illegal migration. This initiative will be multi-regional, mainly covering countries negotiating or implementing an agreement or carrying out a dialogue in the field of migration or willing to enhance their cooperation with the European Community. Priority shall be given to partner countries which do not have access to the TAIEX nor to the Twinning mechanisms.

The **specific objectives** are:

- To provide short-term technical assistance to partner countries through a specific mechanism mobilising EU MS experts (complementary to and compatible with the existing assistance mechanisms).
- To make the expert facility mechanism an additional tool for technical assistance to partner countries to enable them to better cooperate with the EU in the area of migration in support of the existing policy dialogue
- To contribute to the building up of trust in a sensitive area of cooperation as a basis for further large-scale international cooperation.
- To capitalise on the provided technical assistance.

3.2. Expected results and main activities

The expected results are:

- Expert facility mechanism established as an effective supporting mechanism.
- Expert pool established, composed of EU MS experts in all relevant migration areas.
- Expert missions carried out.
- Comprehensive monitoring and recording of technical assistance activities carried out under the present Action.
- Activities are properly prepared and followed-up; information is disseminated
- Improved understanding at technical and policy levels in the partner countries in the area of illegal migration.

- Enhanced capacities in partner countries to prevent and manage illegal immigration.
- Strengthened political migration dialogues with partner countries, such as in the framework of Art. 13 missions or sub-committees.
- A number of concrete deliverables which depend on the type of assistance provided such as: draft legislation, assessments of a policy area or an institutional set-up carried out, draft national migration strategies and action plans, a series of trainings and seminars.
- Trust has been built up in partner countries in cooperating on migration management with the EC / EU MS (also for the benefit of larger-scale and longer-term projects).

Main activities and methodology:

1. Working with experts through an Expert Facility Mechanism (EFM)

The technical assistance to partner countries will mainly be provided by national migration experts of EU MS. In order to be able to quickly identify the required experts the project will invest considerable efforts into the creation of a comprehensive pool of national experts that covers all relevant thematic areas. The administration and management of the expert pool will be facilitated by an electronic database that enables storing and retrieving all information relevant to the specific tasks at hand.

At the same time the setting up of an expert facility mechanism (EFM) as support tool will allow the enabling of experts to carry out their tasks through full administrative, organisational and backstopping support. In addition, institutional memory will be built, communication with all stakeholders be facilitated and filed as well monitoring and evaluation carried out on a regular basis. The mechanism will also provide the additional skills needed such as training plan development and presentation support, drafting and reporting support as well as pre-deployment quick fact check.

The functioning of the EFM shall be overseen by the EC through a Steering Group composed of relevant EC services. In order to ensure efficiency, priority countries and priority themes shall be defined following the scheduled political dialogues and the main operational needs with regard to technical assistance. This shall be done annually in general terms and at the beginning of each semester more specifically. No expertise would be mobilised without a request expressed by the authorities of the partner country and the agreement of the European Commission. The actual mobilisation of experts will be supported through a network of contact points in the relevant MS institutions as well as the contractor's existing roster of MS experts.

2. Short-term capacity building

Given its nature and scope, the present Action will consist mainly of two generic groups of technical assistance activities: i) activities aimed at addressing structural/institutional shortcomings in the beneficiary institutions and ii) punctual interventions aimed at ad-hoc transfer of know-how and expertise to strengthen existing capacities. *Among others* they may entail:

Structural activities:

a) Assistance in drafting legislation and by-laws, b) Support to the development of national strategies and action plans, c) Curricula development, d) Gaps and needs assessments, d) Structural analyses, e) Data collection, harmonisation, f) Awareness raising campaigns, g) Limited provision of supporting (light) equipment / upgrading of technical infrastructure

Punctual activities:

a) Organisation of conferences, b) Specialised thematic seminars, c) Workshops and trainings, d) Study visits

Topics:

Due to the specific scope of the present initiative of preventing and managing illegal immigration, the targeted technical assistance activities may, *among others*, be comprised of the following topics:

a) Integrated Border Management, b) Management of mixed migration flows, c) Visa management, d) Reception capacities, e) Detention management, f) Identification arrangements and management, g) Integration measures, h) Return and readmission, i) Document security and biometrics, j) Trafficking in human beings, victim protection and support, k) Human smuggling, l) International legal and human rights norms and standards, m) Data collection, analysis and data protection laws, n) Information management (internal and external), o) Public administration reform.

3.3. Risks and assumptions

The main risks are twofold and consist of both the partner countries' and the EU MS readiness to engage in operational terms in cooperation on irregular migration.

- Willingness of partner countries to engage into cooperation on irregular migration.
- Willingness of EU MS to make available qualified experts for short-term missions.

Both risks can be effectively mitigated through a stable information flow between all actors, the involvement of all stakeholders as well as the clear link to the priorities set by the EC in its political dialogue with the partner country concerned. A pro-active communication strategy especially towards EU MS and potential beneficiaries concerning the functioning and services of the EFM will further enhance the impact of the present Action.

The project methodology is based on evaluation and feedback phases within each component, which will ensure that risks can be mitigated in a timely manner.

3.4. Crosscutting Issues

Recognising the cross-cutting nature of migration, the Action will address a number of related issues and will contribute to their further enhancement, such as good governance, human and fundamental rights, including refugee law standards which are of direct relevance to the present topic. Moreover, gender aspects will be taken into account as well paying due respect to the increasing feminisation of migration. Targeted technical assistance actions may specifically address these issues in some greater detail. Capacity building exercises in

particular will contribute to a better management of migration and will thus improve good governance standards.

3.5. Stakeholders

This Action intends to facilitate state to state cooperation. Thus the main stakeholders in the beneficiary countries will be the state authorities with responsibilities in the area of migration, i.e.: Ministries of Foreign Affairs, Ministries of Interior, Border guards, Customs, Ministries of Finance and depending on the countries' specificities the presidential administrations, ministries of Defence and alike. In general terms the institutional capacities have to be assessed as weak given the fact that migration has moved to the top of the political agenda only recently.

Given the global nature of the Action a certain degree of flexibility has to be kept and further fine tuning of the identification of stakeholders will be done through the quick fact check of each individual activity.

EU MS play an essential role for the provision of expertise in the activities of this Action. Experts will be provided from all relevant specialised administrations.

In order to ensure coherence with other EC financed actions and to supervise the Action the relevant EC services and especially Delegations will be involved continuously.

4. IMPLEMENTATION ISSUES

4.1. Implementation method

The Action will be carried out in joint management through the signature of a Contribution Agreement with the International Centre for Migration Policy Development (ICMPD).

ICMPD is the only international organisation in the field of migration composed solely of European Member States (MS), the great majority of which are also EU MS⁷. ICMPD has over the past 15 years established close working relations and receives regular financial contributions by many more of the EU MS and European institutions. Recognising the primacy of state actors⁸ in the management of migration flows, it is one of the core elements of ICMPD's well-established approach to technical assistance projects to apply an 'expert to expert' or 'colleague to colleague' methodology. The proven positive experiences that both MS experts and ICMPD as well as the beneficiaries have made in the various initiatives in the migration area have enabled ICMPD to build up strong ties with the national administrations responsible for migration in all EU MS and a wide range of third countries, such as Ministries of Interior, Justice, Foreign Affairs, Labour, Social Affairs, etc. This established network with, and therefore access to EU MS practitioners on migration issues is a key condition for the current action to be successful.

This International Organisation will be subject to a compliance assessment in relation to article 53 (d) of the Financial Regulation. In anticipation of the results of this assessment the authorising officer deems that, based on the long-standing and problem free cooperation with this Organisation, joint management mode can be proposed and Standard Convention for

⁷ Exceptions: Croatia and Switzerland.

⁸ Obviously, other actors such as civil society, private sector, etc also affect migration flows.

International Organisation can be signed in accordance with the provisions laid down in Article 43 of Implementing Rules to the Financial Regulation.

4.2. Procurement and grant award procedures

All contracts implementing the Action must be awarded and implemented in accordance with the EC procedures laid down in the Implementing Rules to the Financial Regulation.

4.3. Budget and calendar

The Action will be financed by the European Commission with a contribution of 3 M €, corresponding to 100% of the total budget as it is in the interest of the Commission to be the sole financer of the Action, in accordance with Article 253 (e) of the Financial Regulation.

The operational duration of the Action is 36 months.

Indicative breakdown of overall amount by main components	
Expertise Management (MS experts; external experts; local experts; project support team, related costs, etc)	1.700.000
Travel expenditures	730.000
Other activities (EU Study visits, translation, visibility, auditing, reporting)	370.000
Technical support tools and equipment (expert roster; meeting equipment, etc)	80.000
Contingency (5%)	120.000

4.4. Performance monitoring

Performance monitoring will be ensured through strict reporting requirements, regular debriefings and the full involvement of the steering committee in the planning process.

The performance of the implementation of the Action will be measured notably on the basis of the following indicators, which will be further specified and detailed in the log frame:

Specific objective 1:

- *Existence and functioning of the EFM*
- *Number of short-term capacity building activities carried out*
- *Appreciation by those involved on EU MS and beneficiary country side of activities*

Specific objective 2:

- *Ratio of requests for short-term assistance in relation to how many activities can be offered*

Specific objective 3:

- *Quality of dialogue during the activities*
- *Number of larger scale assistance originating in the short-term measures*

Specific objective 4:

- *Evaluations of activities are continuously carried out and fed into a feedback mechanism*
- *EC uses lessons learnt for future programmes*

4.5. Evaluation and audit

A mid-term and external final evaluation may take place, and 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.

4.6. Communication and visibility

Proper communication and visibility of the Action will be carried out by the Implementing Partner via widespread dissemination of project achievements and results in line with the EC Visibility Guidelines. Public events such as kick-off meetings, major conferences on migration, opening- and hand-over ceremonies etc. will be carried out when and where applicable.

The great number of individual activities which can be foreseen within the framework of the Action will provide ample opportunity for displaying EC/EU leadership on the migration topic. The pro-active communication strategy towards all stakeholders, specifically the EU MS and potential beneficiary countries will furthermore strengthen this effect.

The EFM itself and each of the individual actions carried out in support of the beneficiary countries will be clearly recognised as EC/EU actions.