

THE EUROPEAN UNION EMERGENCY TRUST FUND FOR STABILITY AND ADDRESSING THE ROOT CAUSES OF IRREGULAR MIGRATION AND DISPLACED PERSONS IN AFRICA

Action Fiche for the implementation of the Horn of Africa Window

1. IDENTIFICATION

Title/Number	Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative (ROCK)		
Total cost	Total estimated cost: EUR 5 000 000		
Aid method / Method of implementation	Direct Management – Negotiated Procedure with a Consortium of EU Member States Agencies and Interpol		
DAC-code	15130	Sector	Legal and judicial development

2. RATIONALE AND CONTEXT

2.1. Summary of the action and its objectives

This action responds to **objective (3) of the EU Trust Fund**, namely improved migration management in countries of origin and transit. The action is aligned with the **Valletta Action Plan priority domain (4)**: prevention of and fight against irregular migration, migrant smuggling and trafficking of human beings.

The **geographical scope** covers the African countries who are members of the Khartoum Process and members of the AU-Horn of Africa Initiative (AU HoAI)¹.

The main **beneficiaries** of this action will be law enforcement and judiciary authorities of the participating countries. Indirectly, the population of the targeted countries will benefit from more effective regional cooperation between authorities in dismantling criminal smuggling and trafficking networks.

The **overall objective** of the action is to reduce the number of incidents of human trafficking and people smuggling through an enhanced regional capacity to better track and share information on irregular migration flows and associated criminal networks, and to develop common strategies and shared tools to fight human trafficking and people smuggling. This will be achieved through the establishment of a Regional Operational Centre (ROCK), which will support the collection, exchange and analysis of information, support joint investigations and enhance the coherence of national and regional legal frameworks.

¹ Djibouti, Egypt, Ethiopia, Eritrea, Kenya, South Sudan, Sudan, Somalia, and Tunisia. The project could also potentially benefit Uganda and Libya, the latter as a country of transit for refugees and migrants from the region.

The **intervention logic** of the project is that in the context of the Horn of Africa, the sharing of information on irregular migration and associated criminal networks amongst the countries of the Khartoum Process is a conditional requirement to address transnational crime. The primary focus of the Regional Operational Centre, which will be developed to support this cooperation, will be human trafficking and people smuggling. Greater cooperation between the countries of the region² to gather, share and analyse information, in accordance with relevant international and regional principles and standards, will lead to better and more informed decisions on migration management. This will result in more effective joint approaches to prevent and fight transnational crime. It will also protect victims of trafficking and smuggling. This is in line with the declared aim of the AU-HoAI Technical Working Group on Law Enforcement, whose mandate is to conceptualise and develop a mechanism for information exchange and sharing.

The formulation of this action builds on strong risk-mitigating mechanisms, which are conflict-sensitive, rights-based and people-centred. They will establish appropriate checks and balances, notably by ensuring close monitoring of the action under the Khartoum Process and the bilateral High Level Dialogues, by striking a right balance between support to law enforcement agencies and human rights approaches, and by closely coordinating with other EU-funded actions in support of other aspects of migration, such as international protection, legal migration, or return, readmission and reintegration.

Another important risk-mitigating measure consists of the commitment from the region to this initiative, both at bilateral level and at regional level through the African Union. All partners see the Regional Operational Centre as an opportunity to further bridge the on-going political dialogues on migration in the region: the Khartoum Process and the AU Horn of Africa Initiative, respectively. Enhanced coordination between both dialogues will ensure continued commitment and greater steer of the action, maximising the efficiency of the Regional Operational Centre within its intended purpose.

The centre will be hosted in Khartoum, in the already operational Police Training Centre.

2.2. Context

2.2.1. Regional context

The Horn of Africa has an estimated 242 million inhabitants, and hosts over 8.7 million forcibly displaced persons, including over 6.5 million Internally Displaced Persons (IDPs) and about 2.2 million refugees³. There is also a significant flow of irregular migrants within and from the Horn of Africa. Many movements occur as mixed migration flows. Many involve smuggling and trafficking networks, for which there are varying levels of human rights abuses. In the case of human trafficking, the precise number of victims is unknown, though UNHCR estimates that around 30,000

² The countries of the Khartoum Process are: Djibouti, Libya, Egypt, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Tunisia

³ World Bank & UNHCR (2015): Forced Displacement & Mixed Migration.

people were affected in the region between 2009 and 2013⁴. The Sinai trafficking industry reportedly generated USD 622 million in ransoms during that time⁵.

The underlying causes of mixed migration in the Horn of Africa region have been identified as a history of weak governance, insecurity, increasing environmental degradation, entrenched poverty, and a range of persistent development challenges, as well as conflict. The complex cultural, social, and political nature of these conflicts is compounded by demographic shifts due to both population growth and to the movement of people, as well as imbalanced service provision, inaccessibility, the growing threat of pandemic diseases, increasing conflicts over scarce natural resources, and harsh climatic conditions including frequent droughts and floods⁶. Drivers of migration differ from country to country in the Horn of Africa, but all arise from these challenges. Because of established patterns of migration, irregular migration is often facilitated by transnational human trafficking and people smuggling networks.

There are four main directions of movement of migrants from the Horn: northward through Egypt, largely to Europe, but also to the Sinai; westward (the Central Mediterranean Route) through Libya and on to Europe; eastward, largely to Yemen and the Gulf States; and southward towards South Africa and beyond⁷.

In 2015, an estimated 154,000 migrants entered Europe via the Central Mediterranean Route. Most came from the Horn of Africa, with the largest contingent by far coming from Eritrea (nearly 39,000)⁸. This overall total was an increase of nearly 400% from 2014, and over 1,000% from 2012. For the eastward movement, over 90,000 people arrived in Yemen in 2015 from the Horn of Africa, of which 89% were Ethiopian⁹. In the case of southern routes, an estimated 20,000 Somali and Ethiopian male migrants are smuggled to South Africa, mostly via Kenya, every year¹⁰.

Regional migration routes

The routes used are dynamic, reflecting the changing political, economic and security situations in transit and destination countries. One example is the sizeable shift of smuggling routes from Yemen to Libya¹¹.

For northern and westward routes, **Ethiopia** acts as a primary crossroad, not only for Eritreans, but also for Ethiopians and Somalis. Migrants and refugees from **Eritrea** travel south from across the border and from the refugee camps, and then to Addis Ababa or the border crossings at Humera and Metema into Sudan. A significant entry

⁴ UNHCR (2014). Smuggling and trafficking from the East and Horn of Africa. Progress report on UNHCR's Strategy and Regional Plan of Action.

⁵ UNODC Report on Smuggling and Trafficking from the East and Horn of Africa (https://www.unodc.org/documents/congress/workshops/UNHCR-Smuggling_and_Trafficking-Progress_Report-screen-final.pdf)

⁶ World Bank Report "Forced Displacement and Mixed Migration in the Horn of Africa"

⁷ See for example Regional Mixed Migration Secretariat Quarterly Trends Analysis

⁸ Sahan & IGAD (2016) Human trafficking and people smuggling on the Horn of Africa-Central Mediterranean Route.

⁹ RMMS. Country Profiles.

¹⁰ IOM. Reported in RMMS Country Profiles

¹¹ RMMS (2014). Going West. Contemporary Mixed Migration trends from the Horn of Africa to Libya and Europe.

point for Somalis into Ethiopia appears to be the Tug Wajaale border crossing with Somaliland.

Sudan serves as a country of destination and transit for migrants from West Africa, Central Africa, and the Horn of Africa¹². Large volumes of migrants pass through Sudanese territory into neighbouring states, principally Libya, due to a well-organised smuggling network¹³. According to the Sudanese authorities, smuggling and kidnapping has increased in the border area between Sudan, Egypt, and Libya¹⁴.

With the exception of the Sinai corridor, most smuggling routes from Sudan lead northwest into **Libya**, although some migrants travel to Egypt, where launching points for Europe have reportedly been established near Alexandria. Travellers to Libya are carried from the border regions towards Ajdabiya, Sabha or Rabyanah. These are mostly operated by Arab Zuwayya militias, so intertwining smuggling and trafficking with local conflict dynamics¹⁵.

For the eastern movement, **Djibouti** is a major transit country for mixed migration flows, departing from coastal areas around Obock. **Puntland** and **Somaliland** are increasingly popular areas of transit, and there has been a gradual shift with more migrants and asylum seekers arriving in Yemen from Bossaso¹⁶.

In the case of southern routes, **Kenya** is a major transit country¹⁷.

Regional smuggling and trafficking networks

Based on a study commissioned by the Ethiopian and Sudanese Governments linked to the Central Mediterranean Route¹⁸, irregular migration from the Horn of Africa is dominated by sophisticated and integrated networks of transnational criminal groups. These networks take on 'clients' via schools, the Internet, social media¹⁹ and by word of mouth, and benefit from limited and weak state capacities in peripheral areas to ensure easy travel across borders. There is also evidence that in certain countries, notably Libya, migrant smuggling is directly linked to other organised crime, such as the smuggling of weapons and drugs²⁰.

These networks derive massive profits from moving thousands of migrants and refugees. They are formed by key individuals in communication with each other and operating between Europe (notably Italy), Libya, Ethiopia and Sudan. The principal 'kingpins' who dominate this route are reported to be predominantly Eritrean in nationality, but they collaborate with ethnic Somalis, Ethiopians, and Sudanese to operate across borders and amongst the diverse communities in the region²¹.

¹² Sahan & IGAD (2016) Op cit.

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ IOM. Reported in RMMS Country Profiles

¹⁸ Sahan & IGAD (2016) Op cit

¹⁹ Altai Consulting (2015) Migration Trends Across the Mediterranean: Connecting the Dots.

²⁰ For example, see Shaw and Mangan (2014) Illicit Trafficking and Libya's Transition: Profits and Losses. USIP

²¹ Sahan & IGAD (2016) Op cit.

Between Sudan and Libya, many of the migrants undertake serious risks. This includes being sold off to ransom collectors in Sudan if they are unable to meet their first payment. Many migrants and refugees also reported that the transporters who drive migrants up to Libya often leave them in the desert if the Libyan transporters fail to arrive on time, effectively leaving them to perish. Rape is routinely committed against women by Libyan militia and transporters. The risk of detention is high in Libya, with many migrants and refugees subjected to severe beatings and torture if captured by militia. Migrants and refugees have also been executed by the so-called Islamic State²².

2.2.2. Sector context: policies and challenges

Mixed migration flows experienced within the Horn of Africa are therefore caused by multiple circumstances, and shaped by the particular geography of the region, with vast, porous and remote borders which states find difficult to manage. Due to the magnitude and nature of these challenges, the African Union, member countries and the EU have recognised the need to enhance the regional capacity to tackle these issues, and in particular for greater cooperation between the countries of the region and institutionalised structures and processes to enable information sharing.²³

This recognition is reflected in the meetings of both the Khartoum Process and the AU HoAI's Working Group on Law Enforcement. During the first meeting of the Khartoum Process in Sharm-el-Sheik in April 2015, several countries within the region²⁴ expressed interest in improving information sharing with neighbouring countries, with some of them, such as Sudan, explicitly advocating for "promoting regular dialogue and discussion among member states and other partners". This view is supported by a number of appraisal missions conducted by the EU.

The AU HoAI has set up a specific Working Group on Law Enforcement to conceptualise and develop a mechanism for information exchange and sharing; fostering and enhancing cooperation and coordination among law enforcement agencies in the region; as well as capacity building. These are all aimed at successfully investigating transnational organised criminal networks involved in human trafficking and people smuggling, for which Interpol is seen as a close partner²⁵.

a) The applicable policy frameworks

The **EU Action Plan against migrant smuggling (2015 - 2020)** of 27 May 2015 sets out concrete actions to counter and prevent migrant smuggling, while ensuring the protection of the human rights of migrants. It is based on a multidisciplinary approach, involving actors and institutions at local, regional, national and international level. It covers all phases and types of migrant smuggling, and all migratory routes. The Action Plan should be seen in the broader context of EU efforts to address the root causes of irregular migration, in cooperation with countries of origin and transit, and to prevent the loss of lives caused by smugglers and traffickers.

The **EU Action Plan on Human Rights and Democracy 2015-2019** is based on the Strategic Framework on Human Rights and Democracy and the 2012-2014 Action

²² *ibid*

²³ AU-HoAI Technical Working Working Group on Law Enforcement: Report Meeting 27-28 July 2016.

²⁴ This includes Ethiopia, Somalia and Sudan.

²⁵ AU Horn of Africa Initiative - Working Group on Law Enforcement Meeting Report, Nairobi 27-28 July 2016.

Plan. The European Union strives to improve the impact and coherence of its actions on human rights and democracy. The EU has further developed guidelines on key human rights issues, enhanced the effectiveness of bilateral human rights and democracy work, successfully promoted action at multilateral level, and improved the mainstreaming of human rights across the EU's external action.

The **Valletta Action Plan** identifies in its priority domain (4) "to prevent and fight trafficking and smuggling of persons" the need to improve intelligence gathering, information and intelligence sharing and fostering of operational police and judicial cooperation. This area of intervention was confirmed and emphasised during the Valletta stocktaking review of June 2016. The Khartoum Process also defines as one of its objectives the strengthening of cooperation at regional level to tackle criminal networks.

The **AU-HoAI** was formally launched through the signing of the Khartoum Declaration on 16 October 2014 and aims at addressing the challenges of migration including irregular migration, human trafficking and people smuggling within and from the Horn of Africa. Central to its objective is the development and strengthening of the capacity of law enforcement agencies of member countries through training, technical support and fostering cooperation and coordination among all relevant stakeholders in information exchange, investigation and prosecution or organised criminal groups. Egypt, Eritrea, Ethiopia and Sudan are core countries to the initiative. The neighbouring countries of Djibouti, Kenya, Somalia and South Sudan are also taking part. The initiative provides a forum to improve cooperation on migration management in the Horn of Africa and to address the challenges of human trafficking and irregular migration.

The **Khartoum Process** is a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe. This inter-continental consultation framework aims at establishing a continuous dialogue for enhanced cooperation on migration and mobility, identifying and implementing concrete projects to address trafficking in human beings and smuggling of migrants and giving a new impetus to the regional collaboration between countries of origin, transit and destination regarding the migration route between the Horn of Africa and Europe. The objectives of the Khartoum Process are to create a common understanding of human trafficking and people smuggling, opportunities for balanced partnership and a spirit of shared responsibility and enhanced cooperation. As per the Khartoum Declaration, the main focus of the dialogue is to fight human trafficking and people smuggling.

The **international legal frameworks** for this action are the Palermo protocols that were adopted by the United Nations to supplement the 2000 Convention against Transnational Organized Crime (the Palermo Convention). These protocols and Convention fall within the jurisdiction of the United Nations Office on Drugs and Crime (UNODC). The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, entered into force on 25 December 2003. The intention is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting human trafficking. An additional objective of the Protocol is to protect and assist the victims of trafficking of persons with full respect for their human rights.

The Protocol against the Smuggling of Migrants by Land, Sea and Air (January 2004) deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States party to it, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process²⁶.

International cooperation to counter the threat remains limited and largely ad hoc, and action against the responsible criminal networks is further complicated by the fact that their operations span large areas where law enforcement and criminal justice capacities are weak or, in some cases, even non-existent. Consequently, although efforts to counter human smuggling and trafficking along this route are gathering momentum, the challenges remain formidable.

The countries of the region have already started to create a legal and operational framework for information sharing on trafficking and smuggling, and there are bilateral agreements for instance between Sudan and Ethiopia, or between Ethiopia and Kenya.

2.3. Lessons learnt

The context assessment to prepare the project "Addressing mixed migration flows in Eastern Africa" (October 2015) stressed that "overall [in Eastern Africa] there appeared to be significant needs to provide training on all aspects of tackling trafficking and people smuggling", including on "collecting and sharing data".

During the appraisal missions of the on-going EU Trust Fund project "Better Migration Management (Khartoum Process)", interlocutors have stressed the need for governments to establish coordination mechanisms to manage migration and address human trafficking and people smuggling of migrants, refugees and asylum seekers, so that cross-border and international operational cooperation on migration is improved amongst all relevant actors.

In the context of the two above-mentioned EU-funded projects, two assessments and various missions within the countries of the Horn of Africa were conducted. Taken together, the recommendations of these assessments coincide in that the provision of equipment for data collection constitutes an important aspect of a balanced approach to regional capacity building and, consequently, for the effective implementation of operational support. It is also considered important by African partners.

Future activities to support regional operational cooperation in the fight against human trafficking and people smuggling, through exchange of information, would require very close collaboration with INTERPOL.

However, the exchange of information and investigative and nominal data between the countries of the region for cross border investigations is limited, and a clear regional framework for such a cooperation is needed, which takes applicable international and regional legal standards into account. This framework, as well as a definition of related crimes and sanctions, would need to be agreed upon to provide

²⁶ UNODC: <http://www.unodc.org/unodc/treaties/CTOC/>

the basis under which the Regional Operational Centre would operate. This could be kicked off through working groups. An assessment on the most effective way forward should take place at the beginning of the project.

The Regional Operational Centre should also have a wider African focus. It should build on existing initiatives and eventually develop close linkages (where relevant) with strategic countries of the North of Africa and Western Africa, as well as linking to already existing initiatives.

2.4. Complementary actions

The EU-funded regional project "Better Migration Management (Khartoum process)" (EUR 46 million) includes four components on policy harmonisation, capacity building (in particular to strengthen the capacities of all institutions responsible for migration management bilaterally and regionally), protection and awareness-raising. The EU-funded regional project "Addressing mixed migration flows in Eastern Africa" (EUR 7 million) contains a component on "Identification of the capacity building needs in the area of data collection, analysis, data sharing and criminal investigations". A mechanism to ensure the close coordination between the proposed Regional Operational Centre and the above-mentioned two EU-funded actions will be sought to ensure full complementarity.

Synergies will also be sought with the Instrument contributing to Stability and Peace (IcSP)'s "Promoting evidence-based strategic capacity building and information sharing in the fight against Organised Crime addressing the Smuggling of Migrants", implemented by Frontex.

The Africa Frontex Intelligence Community (AFIC) is one of the strategic analysis networks created by Frontex as a platform for information-sharing and joint analysis with third countries. AFIC activities are aimed at conducting joint risk analysis and thus provide hands-on, learning-by-doing capacity building to African partners. Future support to AFIC's extension and consolidation is foreseen as of 2017 under the IcSP.

EU Agencies involved in the sector, such as Europol-EMSC, will be closely engaged to ensure coherence with other EU-funded actions in and beyond the region.

The activities of INTERPOL in the region will also have a major impact on the Regional Operational Centre, hence it will be part of the consortium implementing the action. This will ensure close ties with INTERPOL's Regional Bureau in Nairobi which has linked objectives to the proposed Regional Operational Centre. INTERPOL is already implementing the DCI-PANAF-funded project on "**Enhancing African Capacity to Respond More Effectively to Transnational Organised Crime (TOC)**". The overall objective of this action is to contribute to the mitigation of the impact of TOC on governance, development, security and the rule of law in Africa. With a global membership of 190 countries, INTERPOL brings value by connecting countries and their respective law enforcement agencies against transnational crimes.

INTERPOL is also implementing the "West African police information system/WAPIS" under the EU Trust Fund – Sahel/ Lake Chad Window, which aims at harmonising and structuring the national and regional management of police information in the broader West Africa region in order to increase and improve law

enforcement capabilities from the concerned countries in their daily work. This programme aims to increase the ability of G5 countries²⁷ to combat organised crime, trafficking and terrorism, by building or strengthening the ability of national administrations to collect, centralise, manage and share data provided by the police, and to gain a better understanding of the national and regional inter-agency agreements in place.

The INTERPOL Specialists Operational Network (ISON) on People Smuggling is an international law enforcement working group dedicated to preventing smuggling comprised of experts from source, transit, and destination countries with the objective of increasing the real-time exchange of police information worldwide in order to more effectively investigate migrant smugglers and dismantle the criminal organizations to which they may belong.

EUROPOL has recently launched its own migrant smuggling centre with which synergies will be sought where possible. The new legal basis of Europol, which will enter into force in May 2017, will provide further possibilities for EUROPOL's operational cooperation with third countries. At this stage, EUROPOL can offer their analysis experience and capabilities.

The International Organization for Migration has developed the "**Migration Information and Data System**" (MIDAS) funded by Norway and Italy. This operates in four IGAD member countries, namely South Sudan, Djibouti, Uganda and Somalia. In total, 30 border crossing points have been equipped with this system, which captures biographical and biometrical data at entry and exit border crossing points for the purpose of traveller identification, authentication of travel documents, data collection and data analysis. This system can be connected to INTERPOL's I 24-7 Global Communication System and its Stolen and Lost Travel Documents (SLTD) database. Complementarity will be ensured through coordination and the use of INTERPOL equipment within this action. This equipment links to the same databases as the MIDAS system through the I 24-7 system.

UNODC is also already active in and beyond the region through the project "Countering Illicit Trafficking Going through Egyptian Borders" funded by Japan, which supports the sharing and application of international best practices in combating trafficking, also closely liaising with INTERPOL. The project also includes sub-regional cooperation between Egypt, Sudan and Libya.

Some EU Member States are implementing migration-related projects in the region, in particular: France, Germany, Italy, Netherlands (who are leading the Regional Development and Protection Programme for the Horn of Africa) and the United Kingdom.

2.5. Donor co-ordination

Donor coordination will be ensured through the regular meetings of the Khartoum Process, as well as those in Brussels and at field level, including with relevant EU Delegations and EU Member States missions.

The Senior Officials Meeting in the framework of the Khartoum Process will be regularly updated on progress made in the implementation of the project and will

²⁷ Mauritania, Mali, Niger, Chad and Burkina Faso

provide the project with political guidance and direction. Coordination will also take place with Norway and Switzerland as observers to the Khartoum Process as well as with related EUTF-funded actions, such as the "Better Migration Management" project and the "Addressing Mixed Migration Flows" project.

A Steering Committee will be set up under the action which will regularly interact with other initiatives on smuggling of migrants and trafficking in human beings in the Horn of Africa and North of Africa regions, as well as with EU Member States' actions and those of other key donors in the area.

For the specific interventions, coordination meetings involving all the relevant stakeholders (and also including international partners, NGOs, and UN agencies – as relevant) will be organised.

3. DETAILED DESCRIPTION

3.1. Objectives

The **overall objective** of the programme and the **specific objectives** are as follows:

Overall Objective:

To reduce the number of incidents of human trafficking and people smuggling through an enhanced regional capacity to better track and share information on irregular migration flows and associated criminal networks, and to develop common strategies and shared tools to fight human trafficking and people smuggling.

Specific objectives:

- 1) To promote and strengthen the legal framework for countering human trafficking and people smuggling, as well as for the coordination, cooperation and exchange of information between the competent authorities²⁸ of countries in the Horn of Africa, including the internal cooperation within the relevant agencies of the countries concerned.
- 2) To mitigate the risks of human trafficking and people smuggling and remedy the weaknesses of current institutional arrangements by generating a thorough understanding of the drivers and enabling factors of transnational crime networks, the inter-linkages between different crime areas and related analysis.
- 3) To centralise, analyse and communicate to the state authorities data and information that could lead to the arrest and subsequent prosecution of suspected traffickers and smugglers, such as by generating alerts on concrete cases or threats whilst assuring the full protection of victims and witnesses.
- 4) To support African law enforcement agencies to establish and carry out operational cooperation in the fight against human trafficking and people smuggling networks, including through support to common investigation teams to assist the arrest and prosecution of suspected criminals.

²⁸ Authorities already working with Interpol

3.2. Expected results and main activities

The **expected results** are:

- 1) Establishment of a legislative framework governing structures for information sharing and joint investigations;
- 2) Improved capacity for collecting data, disseminating information and analysing risks related to human trafficking and people smuggling, as well as the broader illicit economy, in order to create and maintain situational awareness to mitigate risks and support operational responses;
- 3) Establishment of a platform and mechanism for regularly sharing relevant information between the authorities in the region, and for judicial files to be prepared, based on improved analysis and submitted to judicial authorities to foster successful operations against criminal networks through cooperation with other authorities in the region²⁹;
- 4) Foundations are laid for the creation or reinforcement of joint investigation teams and other forms of common cross-border operations.

Activities:

- Capacity building for the development of related political and legislative frameworks to allow structured information sharing and joint operations at regional level.

This could involve the signature of relevant cooperation agreements between the Horn of Africa countries, defining the national focal points that are authorised to exchange information with the Regional Operational Centre, the process for this information sharing, the type of data to be collected and the governance arrangements and principles, with full respect of human rights and data protection protocols;

- Creation of a multidisciplinary pool of certified trainers, including liaison officers from Horn of Africa countries, international organisations and EU Member States to conduct training and best practice sharing and secondments to the Regional Operational Centre;
- Train-the trainer courses to secure the continuity of the achievements;
- Training of liaison officers and other actors (prosecutors, judges, border police officers) on: the existing regional partnerships; the specific demands of national legislation on human trafficking and people smuggling; legal frameworks on protection and human rights; and the legal framework for regional police cooperation;
- Identification of available data within the different national agencies and authorities and their dissemination to relevant agencies, combined with awareness raising of the Regional Operational Centre's activities within governments and law enforcement bodies;

²⁹ Including INTERPOLs Spartacus Operation against Human Trafficker and People smugglers, INTERPOLs INFRA operations targeting Fugitives on Human Traffickers and Peoples smugglers

- Workshops on best practices on data collection, rights-based and protection-sensitive investigation and prosecution with expertise from the EU, INTERPOL and other partners;
- Establishment of Standard Operating Procedures (SOPs) on accessing and sharing information: access rights (such as entering and consulting data), administration of the Regional Operational Centre's information platform etc.;
- Cooperation on data analysis and risk assessment, and support by actors, such as FRONTEX AFIC and other institutions, ensuring full respect of international data protection requirements;
- Creation of networks of investigators responsible for trafficking and smuggling cases within each country;
- Support to authorities in the creation or strengthening of joint investigative teams and patrols on key borders;
- Regular reporting on the analysis conducted to demonstrate results of the Regional Operational Centre;
- Support to INTERPOL's ISON network in the region;
- Provision of INTERPOL communication system and equipment for I 24/7, if relevant for data collection and conducting investigations.

A human rights-based approach will be mainstreamed throughout the activities to guarantee an effective and targeted protection of the rights and needs of victims of trafficking and smuggling.

The action should be considered as kick-starting activities to engage countries of the region in this subject and enable them to increase their capacity within the international framework of INTERPOL, hence guarding human rights and the correct use of data.

3.3. Risks and assumptions

Each stage of the project will be carefully evaluated and can only move to the next stage with the approval of the Steering Committee. This is to ensure that good governance and human rights are safeguarded.

The proposed set of activities has to be approved by the project's Steering Committee, based on a set of benchmarks to be developed during the inception phase which ensure adherence with international human rights standards and the international framework of INTERPOL. Subsequently, each new set of activities will have to be approved by the Steering Committee in the same manner, ensuring that the project adheres to those international standards.

Risks	Risk level (H/M/L)	Mitigating measures
Lack of political will and commitment from the beneficiary countries to work on information sharing and investigation	L	This action has been specifically requested by the countries of the Horn of Africa in both the Khartoum Process, the AU-Horn of Africa Initiative and bilaterally.

Lack of common understanding and legal definition of human trafficking and people smuggling crimes	H	This action includes dedicated activities to enhance the common understanding and coherence between legal frameworks and this will be verified on a regular basis by the Steering Committee.
Structural changes at national and local government level, including regular turnover of staff	M	From the outset, the implementing partners will ensure close cooperation with stakeholders, and if necessary convene meetings at high level to address this issue.
Security and political instabilities in the proposed beneficiary countries	H	Close connection between the implementation of the action and the political dialogues between the EU and the beneficiary countries, in the context of the Khartoum Process and at national level (e.g. High Level Dialogues on migration with Ethiopia and Sudan). Strong and regular monitoring of the project activities in order to ensure the project is used for its intended purpose. Implementation of a communication strategy that explains how EU support to the Regional Operational Centre is part of a broader strategy to improve migration management in the region, and as such complements significant EU support in other migration-related aspects, such as protection of refugees and victims of trafficking/smuggling, awareness raising, improvement of channels for legal migration and sustainable reintegration. All actions will include a strong focus on human rights, including training in human rights dimensions and sharing of international best practices.
Financing of the project beyond its lifetime has not been secured beyond the provision of the office space and related costs	H	The project creates momentum in the area of information sharing, which should be seized in the context of existing regional and political dialogues to encourage beneficiary countries to earmark future funding for the operation of the Regional Operational Centre. As partners realise the value of the project, funding should be put forward by different countries. It should however be noted, that a project of this nature is likely to require EU funding beyond the lifetime of one project.
Overlapping and duplication of efforts	M	Need for a high degree of coordination with other EU and EU Member States activities on capacity building in the field of fighting and preventing trafficking and smuggling, as well as regular dialogue and coordination with other international and regional actors, such as the African Union or IGAD. INTERPOL, as one of the main actors in the field, is already fully involved. Working regionally with INTERPOL and an EU Member States consortium can remedy this shortcoming, as all countries in the Horn of Africa are already member countries of INTERPOL and have signed up to the INTERPOL conventions and can therefore share information through the INTERPOL systems.
Slow progress in the implementation of the Regional Operational Centre	M	Adoption of a sequenced approach in the implementation of the activities, linked to regular discussions in the context of the regional and national dialogues on migration with beneficiary countries.
Misuse or mishandling of data collection	M	<u>Training in correct handling procedures</u> and oversight while this is implemented can mitigate against misuse and mishandling. Additionally, misuse due to corruption will be mitigated through countries signing-up to and enforcing a <u>zero tolerance policy</u> .

		<p>Misuse due to political pressure will be mitigated through enforcing the centre's <u>independence</u> based on law enforcement requirements.</p> <p>An <u>audit process</u> to regularly review cases will be put in place, enforcing the same zero tolerance where discrepancies are discovered.</p>
Use of data for purposes beyond HT/smuggling and serious organised crime	M	The primary focus of this centre is to disrupt the smuggling of migrants and trafficking of human beings, but action against other types of transnational crime could benefit from the work of the centre as the ability to share information and analyse data more effectively are transferable skills.
Potential for conflict of interests between the countries involved	M	<p>A <u>conflict resolution process</u> with identified escalation routes could mitigate against conflicts of interest.</p> <p>An <u>audit process</u> to regularly review cases will be put in place, enforcing the same zero tolerance where discrepancies are discovered.</p>
EU or EU MS suspending or withdrawing support based on activities of country stakeholders or political/media/public pressure	L	The EU has to engage regularly and proactively with EU MS on the response to media and national parliament questions and develop an active communication strategy.
Only superficially addresses the situation – e.g. minor operators – rather than more organised networks, hence does not have a major impact on the value chain	M	Project progress will be monitored regularly and difficulties in addressing more organised networks will be taken up by the Steering Committee to the meetings of the Khartoum Process.
The project implementation cannot take place in certain geographic areas due to insecurity or declared state of emergency, as currently in Ethiopia and therefore has limited usefulness	M	Leadership by the African governments has to be secured to allow access to areas for the implementation.
Assumptions		
<p>The Action is based on the assumption that national authorities in the region are committed to address trafficking in being and smuggling networks at the highest level and are prepared share information in this area with each other.</p> <p>Ethiopia is still committed to the implementation despite the announced state of emergency and in a context where it will take the rotating chair of the Khartoum Process.</p>		

3.4. Cross-cutting issues

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

The proposed action of the project will address these aspects throughout all activities, with a strong focus on international standards of good governance. Countries involved in the centre will be encouraged to actively work together in safeguarding the human rights of individuals and protecting vulnerable groups, particularly women and girls.

3.5. Stakeholders

Key stakeholders of this action are:

Government authorities at national and local levels in partner countries, in particular from the law enforcement and judicial sectors.

INTERPOL has developed a broad presence in the region. Currently, National Central Bureaus (NCB) within the national police services of the countries concerned liaise directly with the agency's regional base in Nairobi. Since 1999, INTERPOL operates this Regional Bureau (RB) in Nairobi, focusing on combatting transnational crimes at regional level, such as human and drug trafficking, small arms trade, maritime piracy, trade in counterfeit medical products, illicit markets and environmental crimes. In May 2016, INTERPOL opened a Special Representation office to the African Union (SRIAU) in Addis Ababa to enhance communication and cooperation between the two bodies on transnational crime networks.

EUROPOL maintains cooperation arrangements with law enforcement partners in Europe and in Africa and can also contribute expertise to this proposed centre, especially since people smuggling and trafficking in human beings are among its core mandates.

The members of the Khartoum Process and the AU-HoAI, the two dialogues for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe, which aim at addressing the challenges of migration including irregular migration, human trafficking and people smuggling within and from the Horn of Africa.

4. IMPLEMENTATION ISSUES

4.1. Financing agreement, if relevant

No Financing Agreement is foreseen to be concluded for this action.

4.2. Indicative operational implementation period

The implementation period will be 36 months, whilst the overall execution period (including a closure phase of no more than 24 months) will not exceed 60 months from the date of approval of this Action Document by the Operational Committee of the EU Trust Fund.

4.3. Implementation components and modules

The contracting modalities will be based on flexible procedures in crisis situations as defined by the Financial Regulation. The action will be implemented by way of a negotiated procedure through a consortium of EU Member States agencies led by Civipol and consisting of INTERPOL.

Given the primacy of state competences on law enforcement issues and their sensitivity, it is judged as most appropriate to entrust project implementation to EU Member States in consortium with Interpol. The action will be implemented by a consortium of EU MS and INTERPOL by virtue of their highly technical competence and specialisation in the area of law enforcement, of their institutional profile and of the legitimacy vis-à-vis the authorities of the countries of the Khartoum Process in such a sensitive matter as law enforcement.

The contracting modalities have been conducted based on flexible procedures with a direct award applicable in crisis situation as defined by the Financial Regulations.

The implementation period will be 36 months, with an inception phase of 6 months. An inception phase of six months is envisaged, during which the implementing partners will conduct further studies on the legal context, the definition of activities and the setup of the Regional Operational Centre.

4.4. Indicative budget

Component	Amount in EUR
Direct management including activities and costs of secondments	4 600 000
Monitoring, audit and evaluation	300 000
Communications and visibility	100 000
Total	5 000 000

4.5. Evaluation and audit

Baseline assessments, monitoring and evaluation will be undertaken systematically during the project and at each level of intervention and will inform the approval of further activities by the Steering Committee. All activities will be closely monitored and evaluated to assess outputs, outcomes and possible up-scaling to other countries.

If necessary, ad hoc audits or expenditure verification assignments could be contracted by the European Commission for one or several contracts or agreements.

Audits and expenditure verification assignments will be carried out in conformity with the risk analysis in the frame of the yearly Audit Plan exercise conducted by the European Commission. The amount allocated for external evaluation and audit purposes should be shown in the budget at section 4.4. Evaluation and audit assignments will be implemented through service contracts, making use of one of the Commission's dedicated framework contracts or alternatively through the competitive negotiated procedure or the single tender procedure.

Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU. This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner countries and entrusted entities. Appropriate contractual obligations shall be entered into the Agreements concluded by the Commission with the entrusted entities and the partner countries.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

ANNEX I - INDICATIVE LOGICAL FRAMEWORK FOR THE ACTION

Please note that baselines and indicators will be further defined during the inception phase.

	Intervention logic	Indicators	Baseline (Nov 2016)	Targets (April 2020)	Sources and means of verification	Assumptions
Overall Objective	To reduce the number of incidents of human trafficking and people smuggling through an enhanced regional capacity to better track and share information on irregular migration flows and associated criminal networks, and to develop common strategies and shared tools to fight human trafficking and people smuggling.	Number of incidents of human trafficking and people smuggling			Police reports	The Action is based on the assumption that national authorities in the region are committed to address trafficking in being and smuggling networks at the highest level and are prepared share information in this area with each other.
Specific Objectives	<p>Specific Objective #1: To promote and strengthen the legal framework for countering human trafficking and people smuggling, as well as for the coordination, cooperation and exchange of information between the competent authorities of countries in the Horn of Africa, including the internal cooperation within the relevant agencies of the countries concerned;</p> <p>Specific Objective #2: To mitigate the risks of human trafficking and people smuggling and remedy the weaknesses of current institutional arrangements by generating a thorough understanding of the drivers and enabling factors of transnational crime networks, the inter-linkages between different crime areas and related analysis.</p> <p>Specific Objective #3: To centralise, analyse and communicate to the state authorities data and information that could lead to the arrest and subsequent prosecution of suspected traffickers and smugglers, such as by generating alerts on concrete cases or threats whilst assuring the full protection of victims and witnesses.</p> <p>Specific Objective #4: To support African law enforcement agencies to establish and carry out operational cooperation in the fight against human trafficking and people smuggling networks, including through support to</p>	<p>The ROCK is in place and information is being collected.</p> <p>- Number of analysis conducted that identify drivers of criminal networks.</p> <p>- % of arrests and subsequent prosecution of suspected traffickers and smugglers based on analysis of centre</p> <p>- % of common investigations conducted</p>	17		Evaluation reports	<p>Ethiopia is still committed to the implementation despite the announced state of emergency and in a context where it will take the rotating chair of the Khartoum process.</p> <p>Structural changes at national and local government level, including regular turnover of staff do not affect project implementation.</p>

	Intervention logic	Indicators	Baseline (Nov 2016)	Targets (Apr 2020)	Sources and means of verification	Assumptions
Results	Result 1: A legislative framework governing structures for information sharing and joint investigations is established;	-Number of legislations in place - Number of cooperation agreements signed			- Government reports - Project monitoring report - training satisfactory questionnaires	- Data protection and human rights protocols are fully respected.
	Result 2: Improved capacity for collecting data, disseminating information and analysing risks related to human trafficking and people smuggling, as well as the broader illicit economy, in order to create and maintain situational awareness to mitigate risks and support operational responses;	- Number of trainers registered with project and conducting training - Number of training manuals developed - number of trainings conducted	0 0	50 8		- Activities complement other ongoing EU and Interpol activities.
	Result 3: An established platform and mechanism for regularly sharing relevant information between the authorities in the region, and for judicial files to be prepared, based on improved analysis and submitted to judicial authorities to foster successful operations against criminal networks through cooperation with other authorities in the region ;	- number of sources available data in national authorities and relevant agencies identified - number of workshops on best practices conducted - Number of uses of developed SOPs on accessing and sharing information	0 0	20 10	- surveys - project evaluation Workshop feedback forms	
	Result 4: Foundations are laid for the creation or reinforcement of joint investigation teams and other forms of common cross-border operations.	- % of investigators in each country engaged with project - Number of joint investigations conducted - Number of joint border patrols - Number of Interpol equipment provided	0	5	- government reports - Interpol maintenance reports	- Maintenance of equipment is assured beyond project lifetime.
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