



# EXPANDING THE **F**ORTRESS

*The policies, the profiteers and  
the people shaped by EU's border  
externalisation programme.*

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***"I am sorry for Europe... We did not think Europe is like this. No respect for refugees, not treating us with dignity. Why is Europe like this?"***

**- Ari Omar, an Iraqi refugee**

## EXECUTIVE SUMMARY

The plight of the world's 66 million forcibly displaced persons tends to only trouble the European Union's conscience when the media spotlight turns on a tragedy at Europe's borders or when displacement is perceived to be en route to Europe. Only one European nation – Germany – is even in the top ten countries worldwide that receive refugees leaving the vast majority of forcibly displaced persons hosted by some of the world's poorest nations. The invisibility therefore is only broken when border communities such as Calais, Lampedusa, Lesvos become featured in the news as desperate people fleeing violence end up dead, detained or trapped.

These tragedies aren't just unfortunate results of war or conflict elsewhere, they are also the direct result of Europe's policies on migration since the Schengen agreement in 1985. This approach has focused on fortifying borders, developing ever more sophisticated surveillance and tracking of people, and increasing deportations while providing ever fewer legal options for residency despite ever greater need. This has led many forcibly displaced persons unable to enter Europe legally and forced into ever more dangerous routes to escape violence and conflict.

What is less well-known is that the same European-made tragedy plays out well beyond our borders in countries as far away as Senegal and Azerbaijan. This is due to another pillar of Europe's approach to migration, known as border externalisation. Since 1992 and even more aggressively since 2005, the EU has developed a policy of externalising Europe's border so that forcibly displaced people never get to Europe's borders in the first place. These policies involve agreements with Europe's neighbouring countries to accept deported persons and adopt the same policies of border control, improved tracking of people and fortified borders as Europe. In other words, these agreements have turned Europe's neighbours into Europe's new border guards. And because they are so far from Europe's shores and media, the impacts are almost completely invisible to EU citizens.

This report seeks to shine a spotlight on the policies that underpin this externalisation of Europe's borders, the agreements that have been signed, the corporations and entities that profit, and the consequences for forcibly displaced people as well as the countries and populations that host them. It is the third in a series, *Border Wars*, that have examined Europe's border policies and shown how the arms and security industry has helped shape European border security policies and have then reaped the rewards for ever more border security measures and contracts.

This report shows a significant growth in border externalisation measures and agreements since 2005 and a massive acceleration since the November 2015 Valletta Europe – Africa Summit. Using a plethora of new instruments, in particular the EU Emergency Trust Fund for Africa (EUTF), the Migration Partnership Framework and the Refugee Facility for Turkey, the European Union and individual member states are now providing millions of euros for an array of projects to stop migration of certain people from taking place on or across European territory.

This includes collaboration with third countries in terms of accepting deported persons, training of their police and border officials, the development of extensive biometric systems, and donations of equipment including helicopters, patrol ships and vehicles, surveillance and monitoring equipment. While many projects are done through the European Commission, a number of individual member states, such as Spain, Italy and Germany also take a lead in funding and training through bilateral agreements with non-EU-countries.

What makes this collaboration in the context of border externalisation particularly problematic is that many of the governments receiving the support are deeply authoritarian, and the support they are receiving is often going to precisely the state security organs most responsible for repression and abuses of human rights.

The European Union in all its policies has a fine rhetoric on the importance of human rights, democracy and rule of law, but there seems to be no limits to the EU's willingness to embrace dictatorial regimes as long as they commit to preventing 'irregular migration' reaching Europe's shores. As a result there have been EU agreements and funding provided to regimes as infamous as Chad, Niger, Belarus, Libya and Sudan.

These policies therefore have far-reaching consequences for forcibly displaced persons, whose 'illegal' status already makes them vulnerable and more likely to face human rights abuses. Many end up in either exploitative working conditions, detention and/or get deported back to the countries they have fled from. Women refugees in particular face high risks of gender-based violence, sexual assault and exploitation.

Violence and repression against forcibly displaced persons also pushes migration underground, reconfigures the business of smuggling and reinforces the power of criminal smuggling networks. As a result, many persons have been forced to look for other, often more dangerous routes and to rely on ever more unscrupulous traffickers. This leads to an even higher death toll.

Moreover the strengthening of state security organs throughout the MENA, Maghreb, Sahel and Horn of Africa regions also threatens the human rights and democratic accountability of the region, particularly as it also diverts much needed resources from economic and social spending. Indeed, this report shows that Europe's obsession with preventing migrants is not only diverting resources, it is also distorting Europe's trade, aid and international relationships with the entire region. As many experts have pointed out, this is laying the ground for further instability and insecurity in the region and the likelihood of greater refugees in the future.

There is however one group that have benefited greatly from the EU's border externalisation programmes. As the earlier Border Wars reports showed, it is the European military and security industry that have derived the most benefit for delivering much of the equipment and services for border security. They are accompanied by a number of intergovernmental and (semi-)public institutions that have grown significantly in recent years as they implement dozens of projects on border security and control in non-EU-countries.

## THE REPORT REVEALS THAT:

- **the vast majority of the 35 countries that the EU prioritises for border externalisation efforts are authoritarian, known for human rights abuses and with poor human development indicators**
  - 48% (17) have an authoritarian government and only four can be deemed democratic (yet still with flaws)
  - 48% (17) is listed as 'not free', with only three listed as 'free'; 34% of the countries (12) pose extreme human rights risks, the other 23 pose high risks
  - 51% (18) falls in the category 'low human development', only eight have a high level of human development
  - over 70% (25) are in the bottom tercile worldwide in terms of women's wellbeing (inclusion, justice, and security)
- **European nations continue to sell arms to these countries even though they feed further conflicts, violence and repression and thereby contribute to the creation of more refugees.** The total value of licenses issued by EU member states for arms exports to these 35 countries in the decade 2007-2016 is over €122 billion. 20% of these countries (7) have a EU and/or UN arms embargo in force, but most of them still receive arms from some EU member states as well as EU support for their armed and security forces for migration-related efforts.

- **EU spending on border security in third countries has increased vastly.** While it is hard to find total figures, funding for migration-related projects comes from ever more instruments, with security and irregular migration as top priorities and is also diverted from development aid. Over 80% of the budget of the EUTF comes from the European Development Fund and other development and humanitarian aid funds.
- **The growth in border security spending has benefited a wide range of companies, in particular arms manufacturers and biometric security companies.** French arms giant, Thales, also a major arms exporter to the region, is one prominent player, providing military and security equipment for border security and biometric systems and equipment. Significant biometric security corporate suppliers include Veridos, OT Morpho and Gemalto (which will soon be taken over by Thales). Meanwhile, Germany and Italy fund their own arms firms – Hensoldt, Airbus and Rheinmetall (Germany) and Leonardo and Intermarine (Italy) – to underpin border security work in a number of MENA countries in particular Egypt, Tunisia and Libya. In Turkey, the substantial border security contracts have been won by Turkish defence companies, in particular Aselsan and Otokar, who are using the resources to subsidise their own defence efforts that also underpin Turkey's controversial attacks on Kurdish communities.
- **There are also a number of semi-public companies and international organisations that provide consultancy, training, and management of border security projects that have thrived from the massive growth in the border security market.** They include French semi-public company Civipol, the International Organisation for Migration (IOM) and the International Centre for Migration Policy Development (ICMPD). Civipol is part-owned by large arms producers as Thales, Airbus and Safran, and in 2003 wrote an influential consultancy paper for the European Commission, that laid some foundations for current measures on border externalisation from which it now benefits.
- **EU funding and donations of military and security equipment as well as pressure on third countries to strengthen their border security capacities have boosted the border security market in Africa.** The lobby organisation AeroSpace and Defence Industries Association of Europe (ASD) has started to focus on EU border externalisation. Large arms companies like Airbus and Thales have also set their eyes on the growing African and Middle Eastern market.
- **The decision-making on and implementation of border externalisation on an EU-level has been marked by unusual speed and has by-passed democratic control by the European Parliament.** Several important agreements with third countries, including the Compacts under the Partnership Framework and the migration deal with Turkey, have been presented in such a way that the European Parliament has been effectively sidelined.
- **The boosting and militarisation of border security has led to a higher death toll for forcibly displaced persons.** In general, measures on one migration route force people to take more dangerous routes. In 2017 1 out of every 57 migrants crossing the Mediterranean died, compared to 1 out of every 267 migrants in 2015. This reflects the fact that in 2017 the longer, more dangerous Central Mediterranean route was the main route for (a significantly lower number of) forcibly displaced people, mostly from Westafrican and Subsaharan countries, compared to the 2015 main route from Turkey to Greece, used predominantly by Syrians. It is estimated that at least double the refugees that die in the Mediterranean die on route in the desert, but there are no official figures kept or examined.
- There's an increasing presence of European military and security forces in third countries for border security. Stopping migration has become a priority for the ongoing Common Security and Defence Policy (CSDP) missions in Mali and Niger, while individual member states such as France and Italy have started to deploy troops to Libya and Niger.
- Frontex, the European Border and Coast Guard Agency, increasingly works together with third countries. It started negotiations with countries neighbouring the EU on the possibility of joint operations on their territories. Cooperation on deportations has developed quickly. From 2010 to 2016 Frontex coordinated 400 joint return flights to third countries, 153 of which in 2016. Since 2014 some of these flights have been so-called 'Collecting Joint Return Operations', where the airplane and escorts at the flight are from the country of destination. Next to this, EU member states increasingly invite third country delegations to identify 'deportable' persons as having their nationality. In several cases this has led to deported persons being arrested and tortured.



The report examines these impacts by looking how these policies have played out in Turkey, Libya, Egypt, Sudan, Niger, Mauritania and Mali. In all of the countries, the agreements have led the EU to overlook or tone down criticisms of human rights abuses in order to sign agreements.

In Turkey, the EU has moved towards an Australian model of outsourcing all processing of forcibly displaced persons to outside the Union and has broken with key obligations under international law such as the principle of non-refoulement, the principle of non-discrimination (the deal concerns only people from Syria) and the principle of access to asylum.

In Libya, an ongoing civil war and instability has not stopped the EU nor member states like Italy from channelling money towards border equipment and systems, training for the coastguard and funding of detention centres – even when news has emerged of coastguard firing on refugee boats or militias running detention centres like prison camps.

In Egypt, Germany in particular has intensified border cooperation despite the growing military consolidation of power in the country, providing equipment and regular training for border police. Forcibly displaced persons in the country have found themselves trapped, unable to move onto Libya due to the security situation, and fired on by Egyptian coastguard if they attempt to take to the sea.

In Sudan, EU border support has not only brought an infamous dictatorship out of international isolation, it has even ended up bolstering the Rapid Support Forces, made up of Janjaweed militia fighters most responsible for human rights violations in Darfur.

The situation in Niger, one of the poorest countries worldwide, shows the costs of migration-control for local economies. Crack-downs on its northern city of Agadez have undermined the local economy and pushed migration underground making it more dangerous for migrants and increasing the power of armed smuggling gangs. Similarly in Mali, EU imposition of border externalisation measures on the country emerging from civil war threaten to reawake that conflict.

All the case studies reveal a policy of EU interaction with its neighbouring region that has become almost single-mindedly obsessed with migration control regardless of its costs for the country or for forcibly displaced persons. It is a narrow and ultimately self-defeating concept of security because it does not tackle the root causes that cause people to migrate - conflict, violence, economic underdevelopment and the failures of states to justly manage these. Instead, by reinforcing the military and security forces in the region, it is likely to exacerbate repression and limit democratic accountability and stoke the conflicts that will lead to more people being forced from their homes. It's time to change course. Rather than externalising borders and walls, we should be externalising real solidarity and respect for human rights.

A photograph showing the skeletal remains of a building after a bombing. The image features a complex, tangled network of dark, rusted metal beams and pipes. In the background, a concrete wall is severely damaged, with large sections missing and exposed rebar. The foreground is filled with a chaotic pile of rubble, including broken concrete blocks, twisted metal, and debris. The overall scene is one of complete destruction. The word "INTROD" is overlaid in large, white, bold, sans-serif capital letters, partially cut off on the right side.

# INTROD

*Konna harbour after French bombing, Mali, 2013*

# DUCTION

A woman wearing a purple headscarf and green pants is walking away from the camera through a scene of destruction. She is surrounded by twisted metal beams, rubble, and debris. The background shows a damaged wall with large holes and cracks. The overall atmosphere is one of devastation and displacement.

*'The EU has repeatedly shown it is willing to stop refugees and migrants from coming to the continent at almost any cost now, with human rights taking a back seat.'*

- Magdalena Mughrabi, Amnesty International

In November 2017, footage of slave markets for forcibly displaced persons in Libya shown on CNN shocked the world.<sup>1</sup> While the reality of violence in Libya was nothing new, and slave markets had been reported by the International Organization for Migration (IOM) half a year earlier, the fact that this auction had been captured on film fed international outrage.<sup>2</sup>

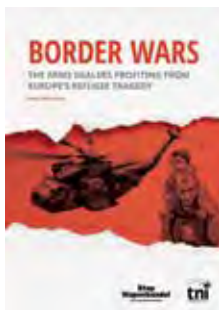
European leaders were quick to denounce the slave trade. French president Emmanuel Macron called the auctions 'scandalous,' 'unacceptable,' and a 'crime against humanity.' EU High Representative for Foreign Affairs, Federica Mogherini, expressed 'total condemnation of these despicable acts'.<sup>3</sup> And EU Council President Donald Tusk said: 'The recent reports about the treatment of Africans - especially young people - by smugglers and traffickers are horrifying. [...] We cannot accept this.'

He continued with: 'The worst we can do is to start the blame game. [...] Our common duty is to step up the fight against these unscrupulous criminals and bring them to justice.'<sup>4</sup> While Tusk and others avoided the question of responsibility, John Dahlhuisen, Europe Director of Amnesty International, was very clear on his opinion: 'European governments have not just been fully aware of these abuses; by actively supporting the Libyan authorities in stopping sea crossings and containing people in Libya, they are complicit in these abuses.'<sup>5</sup>

Indeed, the longstanding migration cooperation between the EU and Libya is at the root of the

horrific situation for refugees in Libya. It is one of the clearest examples, and yet also just the tip of the iceberg, of the consequences of Europe's efforts to keep forcibly displaced persons out at any cost.

Our original *Border Wars* report, and its follow-up briefing *Border Wars II*, spoke mainly about the militarisation of the external borders of the EU itself. This new report focuses on the way the EU and its member states cooperate with countries outside Europe - third countries - on border security, border control and migration management. It shows how the EU has exported its migration-security-nexus approach, primarily to Africa, where it has terrible consequences for forcibly displaced persons and has also strengthened and enabled repressive and undemocratic forces within those countries to the detriment of the whole population. And, as with the militarisation of Europe's own borders, the European military and security industry, as well as European state and intergovernmental institutions, have reaped profits and revenue on the back of policies that have denied the rights of so many people to to seek safety and a better life.



**BOX 1: In July 2016 Stop Wapenhandel and TNI published the report '*Border Wars: the arms dealers profiting from Europe's refugee tragedy*'**

**The report revealed:**

- that the EU border and migration policies are based on a framework in which migration and refugees are treated as a security threat, to be dealt with by a 'fight against illegal immigration', increasingly using (para)military personnel and equipment;
- how the European policy response has led to a booming border security market, building fences, providing equipment for border guards and establishing surveillance systems;
- that the same industry selling arms to the Middle-East and North-Africa, fuelling the conflicts, repression and human rights abuses that have led forcibly displaced persons to flee their homes, is also the main winner of EU border security contracts; how the arms and security industry helped shape European border security policy from which they now profit as a result of lobbying, regular interactions with EU's border institutions and shaping of EU research policy.



*Demonstration in front of Italian Embassy in Tunis held by parents of missing Tunisian migrants at sea, 2012*



# EU BORDER POLICE

*Frontex and Greek police border patrols in Evros Region, Greece, 2011*



# FRONTIER POLICIES

*"[T]he European Council [...] recalls the importance of continuing to work towards the implementation of a Partnership Framework of cooperation with individual countries of origin or transit, with an initial focus on Africa. Its objective is to pursue specific and measurable results in terms of preventing illegal migration and returning irregular migrants, as well as to create and apply the necessary leverage, by using all relevant EU policies, instruments and tools, including development and trade."<sup>1</sup>*

- European Council, October 2016

The foundations of the current EU border security policies can be traced back to the Schengen Agreement in 1985. This agreement coupled the gradual opening of internal borders within the common territory of the participating states with robust controls at the external borders.

Since then, EU border policies have increasingly treated migration as a security problem that needs to be dealt with by the deployment of ever more militarised technologies, tools and resources. This tendency has accelerated every time there has been a notable increase in the number of refugees trying to come to Europe, especially with the start of the so-called 'refugee crisis' of 2015.

EU border control policies have four key pillars:

1. boosting and militarising of border security at the external borders of the EU;
2. development of 'smart borders', which aim to speed up processes for EU citizens and other wanted travellers and stop unwanted migrants through the use of more sophisticated IT and biometric systems;
3. deportations of unwanted forcibly displaced persons, often preceded by (lengthy) detentions;
4. externalisation of border security and border control to non-EU-countries.

In our prior reports, *Border Wars* and *Border Wars II*, we examined the first two of these 'pillars' and showed how the European military and security industry is increasingly shaping border policies and is not surprisingly also the main winner of EU border policies as the border security market grows and expands:

'The arms and security industry helps shape European border security policy through lobbying, through its regular interactions with EU's border institutions and through its shaping of research policy. The European Organisation for Security (EOS), which includes Thales, Finmeccanica and Airbus has been most active in lobbying for increased border security. Many of its proposals, such as its push to set up a cross European

border security agency have eventually ended up as policy – see for example the transformation of Frontex into the European Border and Coastguard Agency (EBCG).'<sup>6</sup>

This report focuses on the fourth pillar, border externalisation – the policies and practices of border and migration control that the EU demands of its neighbouring and other non-EU countries. This is closely linked to the other three pillars. The 'smart borders'-strategy, such as fingerprint registering, for example is funded by EU measures in third countries. And deportations require cooperation with third countries as well. The emphasis of EU border externalisation swings between 'return' (deportations) and 'prevention' (border security and control) although both are interlinked and entail heavy pressure from the EU and EU member states on third countries to act according to their wishes.

## 2.1 BORDER EXTERNALISATION POLICIES

The primary goal of EU's border externalisation measures is to stop forcibly displaced persons pre-emptively, as it were, before their journey brings them to European territory. It intends to turn third countries into outpost border guards to prevent forcibly displaced persons from even reaching the external borders of the EU.

This report focuses on EU border externalisation measures since the start of the so-called 'refugee crisis' in April 2015, but also touches on measures adopted since the Global Approach on Migration in 2005. It is important to note, though, that current policies can be traced back to the early 1990s. While the agreements, finance and pressure has certainly increased, especially since 2015, the framework has stayed largely the same.



## BOX 2: Timeline of key steps in EU border externalisation (1992-2006)<sup>7</sup>

- 1992** — Edinburgh European Council passes *Declaration on principles of governing external aspects of migration policy*. Focus on return agreements with countries of origin or transit.<sup>8</sup>
- 1994** — The Council adopts the *Recommendation Concerning a Standard Bilateral Readmission Agreement Between a Member State and a Third Country*.<sup>9</sup>
- 1995** — Euro-Mediterranean Conference of Ministers of Foreign Affairs issues the *Barcelona Declaration*. The participants agree to cooperate on decreasing migration.<sup>10</sup>
- 1998** — Austria proposes in its *Strategy paper on immigration and asylum policy to link EU trade and development aid to imposing EU migration policies on third countries*.<sup>11</sup>
- 1999** — EU Tampere Summit adopts Action Plans for Albania, Afghanistan, Iraq, Morocco, Somalia and Sri Lanka on asylum and migration.<sup>12</sup> In 2001 the action plans were backed up by finance (€10 million in 2001, €12.5 million in 2002 and €20 million in 2003).<sup>13</sup> According to Statewatch, '[t]he Tampere council [...] began the institutionalisation within the EU structures of policies which turn refugee-producing countries into immigration police [...]'.<sup>14</sup>
- 2000** — Conclusion of the *Cotonou Agreement between the EU and the members of the African, Caribbean and Pacific Group of States (ACP)*. It compels ACP States to accept deported forcibly displaced persons at the request of EU member states 'without further formalities'.<sup>15</sup>
- 2001** — European Commission releases its *Communication on a common policy on illegal immigration*, which includes funding for '[i]mprovement of border control management and equipment' in transit countries.<sup>16</sup>
- 2002** — European Council heightens the pressure on third countries, by making cooperation on migration control conditional for development aid: 'Inadequate cooperation by a country could hamper the establishment of closer relations between that country and the Union'.<sup>17</sup> Council of the EU adopts principles on *Intensified cooperation on the management of migration flows with third countries*. Nine countries, including Libya, Morocco, Tunisia and Turkey, are identified as ready for 'intensification'.<sup>18</sup>
- European Commission publishes its *Communication on Integrating migration issues in the European Union's relations with third countries, which calls for EU support for capacity building in the area of migration management*.<sup>19</sup>
- 2002-3** — The Spanish SIVE-system is constructed. Spanish-Moroccan collaboration on migration control is launched as well as EU-Moroccan dialogue and objectives on migration management.<sup>20</sup>
- 2003** — European Commission adopts the *Aenaes Programme*, a follow-up to the Tampere action plans, with a budget of €250 million for the period 2004-2008. It includes the possibility of purchasing or delivering border security equipment. In 2006 it is succeeded by the Thematic Programme Migration & Asylum.
- 2004** — *Egypt is funded by Italy to control the Red Sea for boat migrants*.<sup>21</sup>
- German minister Otto Schily lobbies hard for externalisation and a boat migration deal linked to Libya. The EU Commission's responds by sending a Technical Mission to Libya, recommending increased support, funds and technical support to increase the country's border officials from 3,500 to 42,000.<sup>22</sup>
- 2005** — European Commission releases its *Communication on Priority actions for responding to the challenges of migration: First follow-up to Hampton Court*. Proposed actions regarding African countries include providing equipment for border management, training and setting up cooperation on border surveillance in a 'Mediterranean Coastal Patrols Network'.<sup>23</sup>
- Adoption of the *Global Approach to Migration*, the overarching framework of the EU external migration and asylum policy. Action points include the deployment of Frontex' Immigration Liaison Officers, 'cooperation with Mediterranean partners [...] to prevent and combat illegal migration and [...] build capacity to better manage migration'.<sup>24</sup>
- 2005-6** — 2005-2006: Following several episodes where migrants are killed at the Ceuta and Melilla fences, these are reconstructed and militarized, using surveillance cameras and tear gas sprinklers. Spanish agreements with Moroccan gendarmes on surveillance and control are expanded.<sup>25</sup>

In the context of the *Global Approach to Migration* of 2005 the EU took further concrete steps in the following years. These included increased cooperation with Libya, pilot mobility partnerships with Moldova and Cape Verde, and setting up an Africa-EU Partnership on Migration, Mobility and Employment.<sup>26</sup> The Stockholm Programme of 2009, an important EU policy document on the issues of freedom and security, reaffirmed the importance of the *Global Approach* and called for more cooperation with third countries.<sup>27</sup>

It is clear that from 1991 on, the EU and its member states have made migration an increasingly central part of its agenda and discussions with third countries. The period between 2002-2005 witnessed the gradual expansion of EU pressure on third countries to cooperate – becoming a condition of EU trade and aid agreements. Initially these countries were promised a so-called balanced approach, combining ‘promoting mobility and legal migration, optimising the link between migration and development, and preventing and combating illegal immigration’, but the EU’s focus increasingly shifted to ‘preventing and combating illegal immigration’.<sup>28</sup>

Most of the emphasis in the period before 2011 was on return and the readmission of deported forcibly displaced persons. However, there were already some early examples of EU financial ‘support’ for border security and border control measures in third countries, in particular with funding under the AENAES Programme (2004-2006).<sup>29</sup>

Project Seahorse Network started in December 2006, with almost €2 million EU funding. Implemented by the Spanish *Guardia Civil*, it created a network for information exchange with and between Morocco, Mauritania, Senegal and Cape Verde with the aim of stopping irregular migration. The project also sought to build the capacity of the countries to collect and analyse migration data. The Seahorse Network is still in operation and has been expanded to include more African countries, including Algeria, Egypt, Libya and Tunisia.<sup>30</sup>

Another example of AENAES-projects are the two ‘Across Sahara’ projects (EU contribution: €2.5 million) focused on ‘capacity building and

migration management’ in Libya, Algeria and Niger. In another project, with €0.8 million EU funding, the border police of Mali received radio and computer equipment, as well as motorcycles and 4x4 vehicles, and trainings by its French and Spanish counterparts. For most AENAES-projects the EU funded about 80% of the total budget, suggesting that these projects would not have taken place without EU’s initiative and ambition.<sup>31</sup>

## **GLOBAL APPROACH TO MIGRATION AND MOBILITY (GAMM)**

The *Global Approach to Migration and Mobility* (GAMM) adopted in November 2011 is the EU’s current ‘overarching framework of EU external migration’.<sup>32</sup> It was written in the aftermath of the ‘Arab Spring’, when EU countries feared a steep rise in migration from the Middle East and North Africa, though in reality the numbers did not increase dramatically. The GAMM sought to pave the way towards a ‘more consistent, systematic and strategic policy framework for the EU’s relations with all relevant non-EU countries’, building on the *Global Approach to Migration* of 2005. While the 2005 approach had included actions on cooperation with neighbouring countries to stop irregular migration and to build migration management capacities, it doesn’t mention specific military or security measures.<sup>33</sup>

The GAMM continues the focus on stopping migration and on returns of deportees, but stands out for presenting irregular migration as a security problem that needs to be prevented and reduced by EU support to third countries. It also emphasizes the use of biometrics in non-EU countries and sees the, then-future, Internal Security Fund as an important funding instrument for ‘activities that primarily serve the interests of the EU, but are being implemented in a non-EU country’.<sup>34</sup>

In the context of the GAMM, the EU launched or continued external migration dialogues and processes, focused on cooperation between EU or groups of EU member states and third countries in several regions.

**TABLE 1: Main external migration dialogues and processes<sup>35</sup>**

Name	Description	Year of launch
Budapest Process	Consultative forum of more than 50 governments and 10 international organisations aiming at 'developing comprehensive and sustainable systems for orderly migration.' <sup>36</sup>	1991
Tampere Process	Grounding the "Area of Security, Freedom and Justice" and its precondition of collaboration on external and externalized border control. <sup>37</sup>	1999
Rabat Process	Dialogue and cooperation between countries of origin, transit and destination along the West African migration route.	2006
Africa-EU Migration and Mobility Dialogue	The framework for dialogue and cooperation on migration issues between the EU and all African States.	2007
Prague Process	Framework for dialogue and cooperation between the EU and its Member States, the non-EU Schengen States and 19 partner countries to the East, including Russia and Turkey.	2009
EU-CELAC Migration Dialogue	EU and Latin America and the Caribbean countries (CELAC) Structured and Comprehensive Dialogue on Migration.	2009
ACP-EU Migration Dialogue	Cooperation with countries from the African, Caribbean and Pacific region, 'focusing in particular on the subjects of remittances, visa and readmission'.	2010
Eastern Partnership Panel on Migration and Asylum	Framework for cooperation between the EU and Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.	2011
Khartoum Process <sup>38</sup>	Framework for dialogue and cooperation with countries of origin, transit and destination along the migratory route from the Horn of Africa to Europe.	2014
Valletta Summit Follow-up	Mostly meetings of officials on implementation of the Action Plan.	2015

Since the adoption of the GAMM, the EU has made acceptance of deported migrants and willingness to strengthen border security migration an ever more important part of its relations with third countries and increased the focus on security and control, with the possibility of equipment donations.<sup>39</sup>

The European Council in June 2014 concluded that '[a] sustainable solution can only be found by intensifying cooperation with countries of origin and transit, including through assistance to strengthen their migration and border management capacity. Migration policies must become a much stronger integral part of the Union's external and development policies, applying the 'more for more' principle and building on the *Global Approach to Migration and Mobility*.<sup>40</sup>

Meanwhile, already in June 2012, the UN Special Rapporteur on the human rights of migrants, François Crépeau, criticized the direction of the EU: 'A large majority of regional migration initiatives coming from the EU continue to be focused on issues of border control, and do not consider important issues such as the facilitation of regular

migration channels.'<sup>41</sup> The same can be said for other important steps the EU could have taken, such as focusing on eliminating the causes in which people are forced to flee or giving better support to shelter and protect forcibly displaced persons on their journey.

## **VALLETTA SUMMIT AND THE EU EMERGENCY TRUST FUND**

Since 2015, new EU border security agreements have followed on each other at high speed, as the 'refugee crisis' emerged at the top of its political agenda. While the EU also works on migration agreements with countries in Eastern Europe, Central Asia and the Middle East, it gives most attention to Africa. In November 2015, the *Valletta Summit on Migration* took place between the EU and 35 African nations, which produced an Action Plan. It contains many measures to step up military and security cooperation and assistance, including equipment provision, information and intelligence sharing and the development of communication networks for maritime surveillance, such as EUROSUR and the Seahorse Network.

African countries	Algeria, Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, DR Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Togo, Tunisia
European countries	Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom



*Heads of State at the Valletta Summit on Migration in 2015*

The Action Plan provides many commercial opportunities for the military and security industry, given its core focus on improvement of border management, biometric registration and surveillance capabilities.<sup>43</sup>

## **PARTNERSHIP FRAMEWORK ON MIGRATION**

The European Commission launched the *Partnership Framework on Migration* in June 2016 as a follow-up initiative to the Valletta Summit. It sets out a framework for cooperation on migration with third countries, mainly in Africa. It identifies five priority countries (Ethiopia, Mali, Niger, Nigeria and Senegal) out of a list of sixteen: Ethiopia, Eritrea, Mali, Niger, Nigeria, Senegal, Somalia, Sudan, Ghana, Ivory Coast, Algeria, Morocco, Tunisia, Afghanistan, Bangladesh and Pakistan. The inclusion of dictatorships like Eritrea and Sudan immediately caused criticism and concern.<sup>44</sup> The Partnership Framework also includes Jordan, Lebanon, Tunisia and Libya.

The Partnership Framework puts migration at the heart of the EU's external policy, where 'the full range of policies and EU external relations instruments have to be brought to bear [...], with

a mix of positive and negative incentives and the use of all leverages and tools.<sup>45</sup> This carrot-and-stick approach in compacts with third countries has become the defining characteristic of EU border externalisation policies. And yet because the compacts have no formal status, they don't have to be approved by the European Parliament, which has protested against this undemocratic way of working.<sup>46</sup>

In line with the Valletta Action Plan, the Partnership Framework includes assistance for capacity building on border and migration management in third countries. For this 'the EU must use all means available', including '[d]evelopment and neighbourhood policy tools'. There's a special emphasis on (biometric) identification tools and civil registries. Increasing the rate of deportations is also stressed with the stated goals as one of discouraging migration. It proposes support to the security sector in third countries and the possibility of a civilian Common Security and Defence Policy mission to help build capacity in migration management.<sup>47</sup>

Before its launch, a long list of 131 European non-governmental organisations (NGOs) slammed the

Partnership Framework 'express[ing] their grave concern about the direction the EU is taking by making deterrence and return the main objective of the Union's relationship with third countries.

**More broadly, this new Partnership Framework risks cementing a shift towards a foreign policy that serves one single objective, to curb migration, at the expense of European credibility and leverage in defence of fundamental values and human rights.<sup>48</sup>**

## 2.2 EU SPENDING ON BORDER EXTERNALISATION IN THIRD COUNTRIES

There is no single funding instrument for EU border security, border control and migration management projects in third countries. Leonhard den Hertog of the Centre for European Policy Studies (CEPS) identified the following funds for EU's external migration policies:

- Development Cooperation Instrument (DCI)
- European Development Fund (EDF)
- Home Affairs funds: Asylum, Migration and Integration Fund (AMIF) and Internal Security Fund (ISF) Borders and Visa Instrument
- European Neighbourhood Instrument (ENI)
- Instrument for Pre-accession Assistance II (IPA II)
- European Instrument for Democracy and Human Rights (EIDHR)
- Instrument contributing to Stability and Peace (IcSP)
- Partnership Instrument (PI)
- Humanitarian aid
- Common Foreign & Security Policy (CFSP) and 'Athena' funding
- EU agencies funding (Frontex, EASO, Europol)
- New instruments under the EU responses to the 'refugee crisis':
  - EU Regional Trust Fund in Response to the Syrian Crisis (the 'Madad Fund')

- EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa
- Humanitarian Aid (HA) increase
- Facility for Refugees in Turkey
- AMIF and ISF increases
- Budget increases Frontex, EASO and Europol
- Provision of emergency support within the EU
- Relocation Mechanism, partly diverted to the resettlement of Syrians from Turkey

In 'this fragmented and incoherent funding landscape', it is hard to determine what money goes to which kind of project, but Den Hertog concludes that in general 'security and irregular migration have been deemed the highest priority'. He also notes that the new instruments 'mostly amount to a relabelling and rewrapping of existing EU funds under new management and priorities'.<sup>49</sup>

Obviously funding for border security and border control is only part of the total EU funding for external migration, which also includes spending for things like humanitarian support and legal migration. But while some smaller funds, for example the European Instrument for Democracy and Human Rights (budget of €1.3 million for the period 2014–2020), seem to escape the migration-security-nexus, many others are at least influenced by the overarching aim of keeping and getting forcibly displaced persons out of the EU, even when they don't channel money to outright border security and border control projects.

It is very difficult to estimate total EU spending on all its efforts to stop forcibly displaced persons from coming to Europe. The British thinktank, Overseas Development Institute (ODI), in September 2016 estimated that, 'in an attempt to deter refugees from setting off on their journeys', 'since December 2014 €15.3 billion has been spent' in third countries. It called this 'a very conservative estimate'.<sup>50</sup> This would mean that spending on this really has gone through the roof compared to a few years earlier. According to the EU's own statements, it funded about 300 migration-related projects in third countries in the period 2005-2011 with a total of

€ 800 million.<sup>51</sup> While it is not clear which projects fall under this estimate, it probably excludes EU money transferred to member states, which then spent them in third countries as part of bilateral cooperation, such as Italy did with Libya.

Danish researcher Martin Lemberg-Pedersen, Assistant Professor in Global Refugee Studies at the Aalborg University, points to the quickly expanding EU funding underpinning border externalisation, from the B7-667 budget line, which allocated €59 million from 2001 to 2003 to the European Neighbourhood Instrument and is now projected to allocate €15.4 billion from 2014 to 2020.<sup>52</sup>

Though it seems the EU has limitless resources for more and more restrictive measures, both within the EU and in third countries, in October 2017, diplomats warned that the EU is running out of money for payments to African countries. European Commission President Jean-Claude Juncker urged member states to contribute more.<sup>53</sup>

## 2.3 MILITARISATION OF BORDERS

As our *Border Wars I and II* reports showed, the EU sees migration primarily as a security problem, with intensive lobbying by the military and security industry contributing to this point of view. This one-sided, and short-sighted, approach, largely determines the policy and instruments that follow, including with third countries.

Gemma Pinyol-Jiménez, former head of cabinet for the Spanish Secretary of Immigration and Emigration, describes this approach as: 'The instruments that the EU has carried out to tackle that migration-security nexus [...] focused on a military-based security approach. In that sense, readmission agreements and fighting against irregular migration were developed much more than other instruments such as visa facilitation or the promotion of legal migration channels. Moreover, this securitised approach has increased the militarisation of border controls and has made irregular migration the key target, rather than promoting legal migration policies or a more global and coherent migration management system.'<sup>54</sup>

## MILITARY AND SECURITY SUPPORT TO THIRD COUNTRIES

Similar to EU member states, the institution(s) responsible for border security and border control vary according to country. Sometimes these fall under 'law enforcement', in other countries the military is responsible.

In its *Elements for an EU-wide strategic framework to support security sector reform* of July 2016, the European Commission opened up the hitherto unforeseen possibility of 'support[ing] all components of the security sector, including the military', including training and 'provid[ing] non-lethal equipment'.<sup>55</sup> In an accompanying fact sheet, the Commission explained that it wanted to give financial support for border and migration management activities performed by the military. Surveillance technology was named as equipment which could be provided under the new rules.<sup>56</sup>

So far, more than the EU, its member states have provided the majority of support, including training and equipment, to the military and the security sector on border security and migration management in third countries. This report examines later on the cooperation between Italy and Libya, and German security assistance to several African countries.

EU member states have also deployed their own troops for migration control. The British government, for example, sent troops to Sierra Leone for training and joint exercising, at the beginning of 2017. A UK government source told press that the mission was aimed at stopping migration, because '[w]e want to do more than pull migrants out of the water, we want to stop them before they get there'. Other British soldiers train Tunisian armed forces in border security.<sup>57</sup>

In December 2017, the Italian government announced a redeployment of some troops from Iraq and Afghanistan to North Africa to stop migration.<sup>58</sup> In February 2018, the Italian parliament approved the measure, so that Italy will have 470 troops in Niger, 400 in Libya and 60 in Tunisia. In Tunisia they will join German, French and Algerian forces already active in the field of border security.<sup>59</sup> French president Macron also offered to increase its military presence in Niger in the context of the 'war on terror'.<sup>60</sup>



*EU Training Mission troops arrive in Mali in 2013*

## **COMMON SECURITY AND DEFENCE POLICY (CSDP) AND MIGRATION**

In June 2016, European Commissioner and High Representative for Foreign Affairs and Security Policy Federica Mogherini launched A Global Strategy for the European Union's Foreign And Security Policy. This document set an agenda for EU's foreign policy, better known as its Common Foreign and Security Policy (CFSP), of which the Common Security and Defence Policy (CSDP) comprises its military and security parts. While its predecessor, the European Security Strategy of 2003, hardly mentions migration, it is prominently present in the Global Strategy.<sup>61</sup> It states that the EU will work together with countries of origin and transit on border management, readmission and return. And that the links between trade, development and security policies in Africa will be strengthened. Migration will play a core role in foreign policy and CSDP missions and operations can be used to enhance border protection, working together with Frontex.<sup>62</sup>

While not explicitly linking it to border security, the Global Strategy argues for an important role for the military and security industry. A role that is further strengthened by the European Defence Action Plan, presented by the European Commission in November 2016. This plan proposes billions of

euros of new annual funding for the military and security industry, for research, development and common production of arms.<sup>63</sup>

The Greens and the GUE/NGL groups in the European Parliament criticized both the general direction and the migration-related elements of the Global Strategy. Bodil Valero, Greens/EFA spokesperson on security and defence, said: '[W]e reject the idea of using EU military operations as a means of controlling EU borders in the Mediterranean or combating criminals.'<sup>64</sup> Parliamentarians from GUE/NGL released an alternative paper, stressing that 'growing migrant flows are not the least a product of many years of social degradation as a result of the neoliberal world economic system that is championed by the Western powers' and that 'the recent increase in migrant flows is highly connected to the last military interventions of the West, e.g. in Libya.' They denounced the building of a 'Fortress Europe' and the support given to African countries 'in their capabilities to stem migrants directed to Europe as far away as possible.'<sup>65</sup>

Meanwhile the use of CSDP missions for stopping forcibly displaced persons from entering or travelling towards Europe has been gradually expanded from even before the launch of the Global Strategy, especially in the Sahel Region. In its Sahel Regional Action Plan 2015-2020, the EU identified a need

to reinforce migration and border management. For this the on-going EU CSDP capacity-building missions EUCAP Sahel Mali and EUCAP Sahel Niger (training of, assistance and advice for security forces) would be used to 'pursue support to local efforts aiming at developing local border management capacities.'<sup>66</sup>

Just a month later Operation Sophia (EUNAVFOR MED) was launched, a military mission for the coast of Libya to stop migration to Italy and Malta, originally modelled on the EU's anti-piracy operation Atalanta off the coast of Somalia. The Council also decided to reinforce the EUCAP Sahel Niger mission, set up initially to target organised crime and terrorism, to prevent irregular migration. The mission would establish an outpost in Agadez, a major migration hub in Niger, give training to the Nigerien security services and advise on a strategy against irregular migration.<sup>67</sup> EUCAP Sahel Mali and EUTM Mali have been similarly directed towards migration control (notably through training and capacity building for border management).

The prioritisation of border management within these missions was recognised by the 2016 annual report of the Sahel Regional Action Plan which concluded that 'the three CSDP missions in the Sahel have been adapted to the political priorities of the EU, notably following the EU mobilisation against irregular migration'. While the EU acknowledges that the Sahel states are 'among the poorest in the world', it is notable that its main stated priority is not fighting poverty but to have 'stable countries in the region', which 'will contribute substantially to European security and limit risks of uncontrolled migration flows.'<sup>68</sup>

Some EU member states, as well as some party groups within the European Parliament, have pushed for an even larger role for CSDP in the 'fight' against migration. In November 2015, Germany and The Netherlands issued a discussion paper on CSDP and migration, with four main proposals: Reinforce existing missions with migration instruments (EUCAP Sahel Niger, EUCAP Sahel Mali, EUBAM Libya, SOPHIA), multiply regional permanent CSDP presence ('satellite') and regional centers ('Model Agadez'), capacity building in support of security

and development (CBSD) as an instrument for migration management, and create a CSDP Mission with new tasks to tackle migration. They argued that capacity building should be 'mainstreamed into the mandates of relevant CSDP missions and operations, as well as in EU country or regional strategies [...].' A new CSDP mission should 'serve to rapidly deploy expertise to third countries to assist in analyzing and addressing specific issues that affect migration flows into the EU.'<sup>69</sup> In April 2017, the European Parliament called for the strengthening of CSDP missions 'as a means of protecting the EU's external borders'.<sup>70</sup>

## EUBAMS

The EU Border Assistance Missions (EUBAMs) also form part of the CSDP missions and are funded by the European Commission: EUBAM Rafah (since 2005), EUBAM Moldova and Ukraine (since 2005) and EUBAM Libya (since 2013). Since 2014, EUBAM Libya operates from Tunis, due to the security situation (see chapter 5.2 on Libya).

The EUBAMs seek to strengthen border security and border control. EUBAM Rafah was launched to monitor the sole border crossing point between Egypt and the Gaza Strip at the city of Rafah. However, since 2007 this border crossing point has mostly been closed by Egypt and Israel. When Hamas took power in the Gaza Strip through elections, the EUBAM mission was suspended due to the EU policy of no contact with this organisation. Since the end of 2014, EUBAM Rafah has been active again, limiting itself to training and 'mentoring' border security staff of the Palestinian Authority.<sup>71</sup> Following a reconciliation agreement between Hamas and the Palestinian Authority, the border crossing point at Rafah started to open up on more days during 2017.<sup>72</sup>

EUBAM Moldova and Ukraine has been much more active. Logistical and administrative support is provided by the International Organisation for Migration (IOM).<sup>73</sup> While this mission has more goals, for example combating drug and tobacco smuggling and facilitating trade, 'combating irregular migration' is at its heart.<sup>74</sup> This includes support and training to joint patrols of the border by Moldova's Border Police and Ukraine's State Border Guard Service since 2011.



Providing equipment has been an integral part of the mission. In 2006 and 2007 out of a budget of €9.9 million for the BOMMOLUK-1 project, financed by the European Commission, €2.2 million was spent on procurement of equipment and communications networks for the Border Guards and Customs Services of Moldova and Ukraine. Its successor, the BOMMOLUK-2 project, ran in 2008 and 2009 and had its full budget of €6.6 million earmarked for equipment procurement for the same services.<sup>75</sup> In June 2016, EUBAM donated eight vehicles to Moldova's Border Police and Customs Service. Ambassador Andrew Tesoriere, Head of EUBAM Moldova and Ukraine, said: 'I look forward to seeing these vehicles utilised for the innovative practices which have been introduced in recent years, such as joint mobile patrolling'.

## 2.4 EXTERNALISATION OF 'HUMANITARIAN' BORDER CONTROL

In the first *Border Wars* report we described the humanitarian rhetoric the EU uses to defend the rapid militarisation of its external borders. This ranges from highlighting the search and rescue missions by military ships to the common argument that reinforcing the borders will deter people from setting off on dangerous journeys. However, this ignores the reality that the strengthening of border security makes it more difficult for forcibly displaced people to find safe migration routes and therefore creates more danger for them. In fact, the EU's search and rescue missions would not be needed, if the EU chose to replace its current migration policies with ones that prioritised the provision of safe passages.

In the area of border externalisation, the EU uses the same faulty arguments. The EU funding of six vessels for the Turkish coastguard (see chapter 5.1 on Turkey), for example, was presented as enlarging its search and rescue capacities, even though these vessels were also intended for the interception of migrant boats.

Political science professor Polly Pallister-Wilkins at the University of Amsterdam, notes that 'humanitarian border control' has even more far-reaching

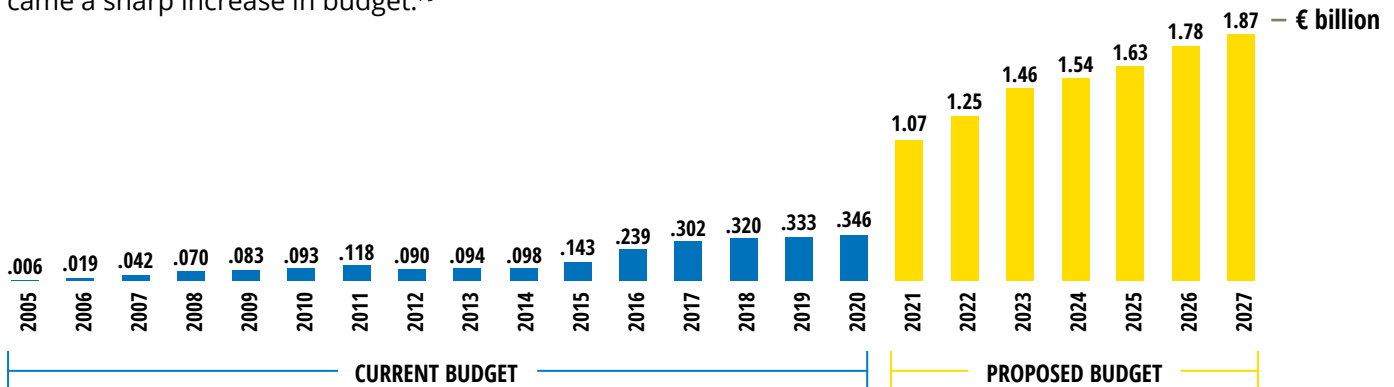
aspects and consequences. She states that the continuing deaths of forcibly displaced people in the Mediterranean can't be described in 'any real sense emergencies caused by sudden and unforeseen circumstances', because they are the result of EU migration and border policies. In such situations, 'the interventions to save lives and secure borders have the same practical effects'. Pallister-Wilkins argues therefore that 'humanitarian interventions are strategies of control and a form of border technology to stop an emergency and to restore the status quo: the continuation of an external European border regime that makes regular forms of migration for many non-Europeans all but impossible.' This strategy seeks to shift attention away from the core questions of political causes and responsibilities.<sup>76</sup>

In a similar manner, Violeta Moreno-Lax, Founding Director of the Immigration Law Programme at the Queen Mary University of London, writes that 'the invocation of human rights serves paradoxically to curtail (migrants') human rights, justifying interdiction ('to save lives'), and impeding access to safety in Europe', where '[t]hrough a narrative of 'rescue', interdiction is laundered into an ethically sustainable strategy of border governance. Instead of being considered a problematic (potentially lethal) means of control, it is re-defined into a life-saving device.'<sup>77</sup> In this way, human rights are invoked to justify more restrictive migration and border policies.

## 2.5 ROLE OF FRONTEX – EUROPEAN BORDER AND COAST GUARD AGENCY

Frontex was established in 2004 as the EU agency for the protection of the external borders. Its main task is coordinating border security efforts of the EU member states and supporting them, sometimes through joint (maritime) operations. Over the years the role of Frontex has grown larger and larger, leading it to become a more active stakeholder in the militarisation of EU border security. From 2011 on, for example, Frontex was mandated to "proactively monitor and contribute to the developments in research relevant for the control and surveillance of external borders."<sup>78</sup>

In 2016 Frontex was expanded to be a European Border and Coast Guard Agency (EBCG). With this came a sharp increase in budget.<sup>79</sup>



Frontex also gained new powers when it was expanded, including in the field of cooperation with non-EU countries. This goes as far as the possibility of operations on the territory of third countries neighbouring EU member states. In May 2017 Statewatch reported that Frontex was negotiating with Serbia and Macedonia on so-called ‘status agreements’ for joint operations, rapid border interventions and deportations. As part of these negotiations, the Council wants members of Frontex’ teams operating on the territory of these two countries to be entitled to ‘carry service weapons, ammunition and equipment and use them’, while enjoying full ‘immunity from the criminal and civil jurisdiction of the host state’.<sup>80</sup> Frontex is also looking to start negotiations on status agreements with Albania, Bosnia and Herzegovina and Montenegro.<sup>81</sup>

Cooperation with non-EU Mediterranean countries is seen as a high priority. Frontex, as well as NATO and Greece, already closely cooperates with the Turkish Coast Guard in the Aegean Sea, where it runs Operation Poseidon to stop migration from Turkey to Greece.<sup>82</sup>

Another goal is increasing participation in and cooperation with other EU operations in third countries, such as the CSDP missions (in particular the EUBAM missions) and Operation Sophia.<sup>83</sup>

Frontex has the authority to launch and fund technical assistance projects in third countries and deploy liaison officers to them.<sup>84</sup> Information exchange and training are important parts of these projects. In one example, the EU-funded Eastern Partnership Integrated Border Management Capacity

Building Project (EaP) financed Frontex to train 686 officials from Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine in 47 training events in 2016 alone.<sup>85</sup> Frontex is also involved in the training of Libyan Coast Guard and Navy officers, part of Operation Sophia.<sup>86</sup>

## WORKING ARRANGEMENTS

Frontex has working arrangements with 18 non-EU countries (the Russian Federation, Ukraine, Moldova, Georgia, the former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina, the United States, Montenegro, Belarus, Canada, Cape Verde, Nigeria, Armenia, Turkey and Azerbaijan and Kosovo) and with two regional organisations: CIS Border Troop Commanders Council (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Uzbekistan) and the MARRIO Regional Centre (Albania, Bosnia and Herzegovina, Croatia, Montenegro, Macedonia, Serbia). There are discussions or negotiations going on with eight more countries: Brazil, Egypt, Libya, Mauritania, Morocco, Niger, Senegal and Tunisia.<sup>87</sup>

The exact content and scope of these working arrangements differ per country, but they usually include cooperation in training in border management, information exchange and research and development of new technologies for border control. The agreements with Armenia, Azerbaijan, Belarus, Cape Verde, Georgia, Moldova, Russia and Ukraine also mention technical assistance for more efficient border control.<sup>88</sup> The working arrangements are presented as ‘technical’ and therefore are not subject to control of the European

Parliament. Yet, as the civil society ‘Frontexit’ campaign argues, ‘these agreements provide a general cooperation framework whose provisions directly affect migrants (interceptions prior to entry in the European territory, forced return, arrest, personal data collection).’<sup>89</sup>

Frontex participates in most of the main external migration dialogues and processes the EU has with several groups of non-EU-countries, in particular ‘the Khartoum-, Rabat-, Budapest- and Prague Processes as well as the Valletta Joint Action Plan implementation.’ For more strategic cooperation Frontex looks to countries with ‘similar challenges and technical capabilities’, such as the USA, Australia, South Korea, Singapore and the United Arab Emirates.<sup>90</sup> In the case of the USA, the working arrangement includes information exchange, sharing of best practices, collaboration on research and development of new technologies for border surveillance and ‘[c]ooperation on capacity building with third countries.’<sup>91</sup> Frontex also took its first steps in establishing cooperation with Israel, another country with a regressive track record regarding its treatment of refugees.<sup>92</sup>

Shortly after the launch of the EBCG, Libya and Morocco participated in the European Coast Guard Cooperation Network Meeting in Warsaw in November 2016.<sup>93</sup> Companies active in the field of drones and balloons/aerostats were invited to present their products at this meeting.<sup>94</sup>

In early 2017 Frontex executive director Fabrice Leggeri visited Niger to discuss border security cooperation and the deployment of the first, and so far only, Frontex liaison officer in Africa.<sup>95</sup> In the field of intelligence, Frontex has been working with Niger and other African countries through the Africa-Frontex Intelligence Community (AFIC), a platform for information exchange, that organises meetings, workshops and field trips and publishes an annual report.<sup>96</sup> At a meeting of the AFIC in September 2017, Frontex launched a project to develop the capacity of African countries to work on joint intelligence analysis of networks engaged in people smuggling and trafficking in human beings, funded by the European Commission.<sup>97</sup>

Frontex earlier deployed liaison officers to Turkey and Serbia (for the Western Balkans region).<sup>98</sup> It also cooperates with these countries in the *Regional Support to Protection-Sensitive Migration Management in the Western Balkans and Turkey* program, which is funded by the EU under the Instrument for Pre-accession Assistance II (IPA II). This seeks to strengthen the capacity for identification and registration of forcibly displaced persons and increase cooperation on deportations.<sup>99</sup>

## DEPORTATIONS

Speaking at the European Day for Border Guards in 2016, an annual event organised by Frontex, Ionut Mihalache, a policy officer at the Directorate General for Migration and Home Affairs in the European Commission, said: ‘the efficient return system is really a good prevention tool.’<sup>100</sup> The policy is aimed at deterring individuals, but also states – especially countries in which forcibly displaced persons transit – that are warned that they must strengthen border security or face deportations of those forcibly displaced persons.

With ‘return support’ growing from €13 million in 2015 to an annual €66.6 million in 2016 and 2017, the role of Frontex has grown rapidly.<sup>101</sup> In October 2017 Frontex reported that it had assisted in the return of more than 10,000 immigrants, nearly double the number of 2016 and almost triple those returned in 2015.<sup>102</sup>

This reflected Frontex’s role in coordinating a sharp increase in ‘joint return flights’ in which refugees from one or more other EU countries are deported together to the (perceived) country of origin.<sup>103</sup> (see table) Frontex usually covers part of or all the costs, for example for hiring or chartering an aeroplane.<sup>104</sup> In 2018, Frontex signed a €20 million contract to hire planes directly from the companies AS Aircontact (Norway) and Air Charter Service Unlimited (UK).<sup>105</sup>

Such flights require cooperation from and coordination with the destination country, and consequently are mostly, though not exclusively, headed to states Frontex has concluded working arrangements with. This is one of the reasons

negotiating agreements with countries is high on Frontex's priority list, and the EU in general. In September 2016 the European Commission announced that Frontex' Return Department would be strengthened further to make Frontex a 'true operational EU return hub'. This department will design 'operational plans for all Member States by mid-2018, which will include concrete return objectives'.<sup>106</sup>

Since 2014 some of these deportation flights have been so-called 'Collecting Joint Return Operations'. This means that the aeroplane, escorts and medical staff at the flight are from the country of destination. Frontex has developed a course to train these officers, which includes 'coercive measures and restraint'.<sup>107</sup> The first 'Collecting Joint Return Operation' was a deportation flight to Albania, in June 2014, with 48 deportees from France (initiating country), Belgium and Finland.<sup>108</sup> Since then the number of 'Collecting Joint Return Operations' has increased from four in 2014 to 17 in 2016, with Albania, Georgia and Serbia as destination countries. After the first test flights, Frontex concluded that the operations 'have proven effective and helped reduce the costs of returning migrants to their country of origin'.<sup>109</sup> The European Ombudsman, on the other hand, has

expressed concern, fearing that these operations lack guarantees to respect the human rights of deported forcibly displaced persons.<sup>110</sup>

Besides coordinating joint deportation flights, Frontex also assists member states with cooperation with third countries in the 'pre-departure' phase. This includes the controversial 'third country delegation visits for identification, verification purpose and issuing travel documents'.<sup>111</sup> When Belgian police arrested some 160 people without valid identity documents in Brussels in September 2016, a delegation from the dictatorial regime of Sudan was invited to identify perceived Sudanese citizens among the arrestees, with the goal of deporting them. According to State Secretary for Asylum and Migration Theo Francken, well known for his anti-immigration rhetoric, similar delegations from Morocco, Senegal, Algeria and other countries have also visited Belgium.<sup>112</sup> The visit by the Sudanese delegation met widespread criticism. Human rights organisations warned that the delegation likely consisted of secret agents, looking for political opponents.<sup>113</sup> And indeed, several of the deported forcibly displaced persons were arrested, interrogated, beaten and forced to sign a document promising they wouldn't leave the country or take part in political actions.<sup>114</sup>

**TABLE 3: Frontex' Joint Return Operations 2010-2016 (10 or more operations)<sup>115</sup>**

Destination	Number of Joint Return Operations							
	2010	2011	2012	2013	2014	2015	2016	Total
Nigeria	12	10	12	13	9	13	10	79
Kosovo	5	4	5	2	8	18	28	70
Albania				3	3	10	31	47
Serbia		3	7	3	3	1	12	29
Georgia	4	1	1	3	3	3	5	20
Pakistan			1	2	6	3	4	16
Tunisia							14	14
Georgia and Armenia	2		4	1		2	4	13
Iraq	3	2					6	11
1-8 operations to: Macedonia, Colombia, Ecuador, DR Congo, Dominican Republic, Russia, Armenia, Bosnia & Herzegovina, Ukraine, Gambia, Cameroon, Benin, Togo, Egypt, Sudan, Moldova, Ghana, Côte d'Ivoire, Afghanistan, Guinea Republic, Somalia, Uzbekistan, Ghana, Congo, Burundi and combinations of countries mentioned.								
<b>Total</b>	<b>38</b>	<b>25</b>	<b>37</b>	<b>38</b>	<b>46</b>	<b>64</b>	<b>152</b>	<b>400</b>



*Malian woman forcibly displaced within Mali in Mopti camp, Mali, 2013*



*Refugees and migrants forced to return from Algeria to Mali in Tinzaouaten, Mali, 2008*

The background of the image is a photograph of a desert landscape. In the foreground, a person's hands are visible, clasped together. The ground is sandy and uneven. In the background, there are several rectangular structures made of mud-brick, typical of traditional architecture in arid regions. The sky is a pale, hazy blue.

# THE TARGET COUNTRIES

underdevelopment,  
human rights violations,  
authoritarian regimes

*"[T]he European Council [...] recalls the importance of continuing to work towards the implementation of a Partnership Framework of cooperation with individual countries of origin or transit, with an initial focus on Africa."<sup>16</sup>*

- European Council, October 2016

The EU prides itself on its promotion of human rights, democracy and sustainable development. As it writes on its main website: “The European Union is based on a strong commitment to promoting and protecting human rights, democracy and the rule of law worldwide. Human rights are at the very heart of EU relations with other countries and regions.”<sup>117</sup>

Yet its border externalisation policies suggest that it is perfectly willing to set those values aside when it comes to the priority of expelling or preventing forcibly displaced persons. In the table below, we have assessed how important partner countries for EU border externalisation score on leading international indexes on development, democracy, human rights and women’s rights.<sup>118</sup> The 35 countries in the table are listed as priority countries under the Partnership Framework, are eligible for EUTF funding or are selected because of other forms of (bilateral) cooperation with the EU or its member states.

Of these countries:

- half (17) have an authoritarian government, only four can be deemed democratic, yet still with flaws;
- half (17) the nations are listed as ‘not free’, with only three listed as ‘free’;
- in one-third (12) citizens face extreme risks to their human rights, in the other 23 they still face high risks;
- half (18) falls in the category ‘low human development’, only eight have a high level of human development;

- over two-thirds (25) are in the bottom tercile in terms of women’s wellbeing;
- one-fifth (7) has a EU and/or UN arms embargo in force against it.

Nevertheless, all 35 countries in the table are buyers of European arms. The total value of licenses issued by EU member states for arms exports to them in the decade 2007-2016 is over €122 billion.

The assessment shows that at the very least there should be other priorities, both for these countries and for the EU’s relationships with them than stopping migration. EU policy should be focused on promoting democracy and human rights as well as fighting poverty. However there are also many red flags, in almost all of the countries, on why the EU should be careful about cooperating with them. This is especially important when such cooperation includes strengthening military and security capacities, with training, funding and providing equipment.

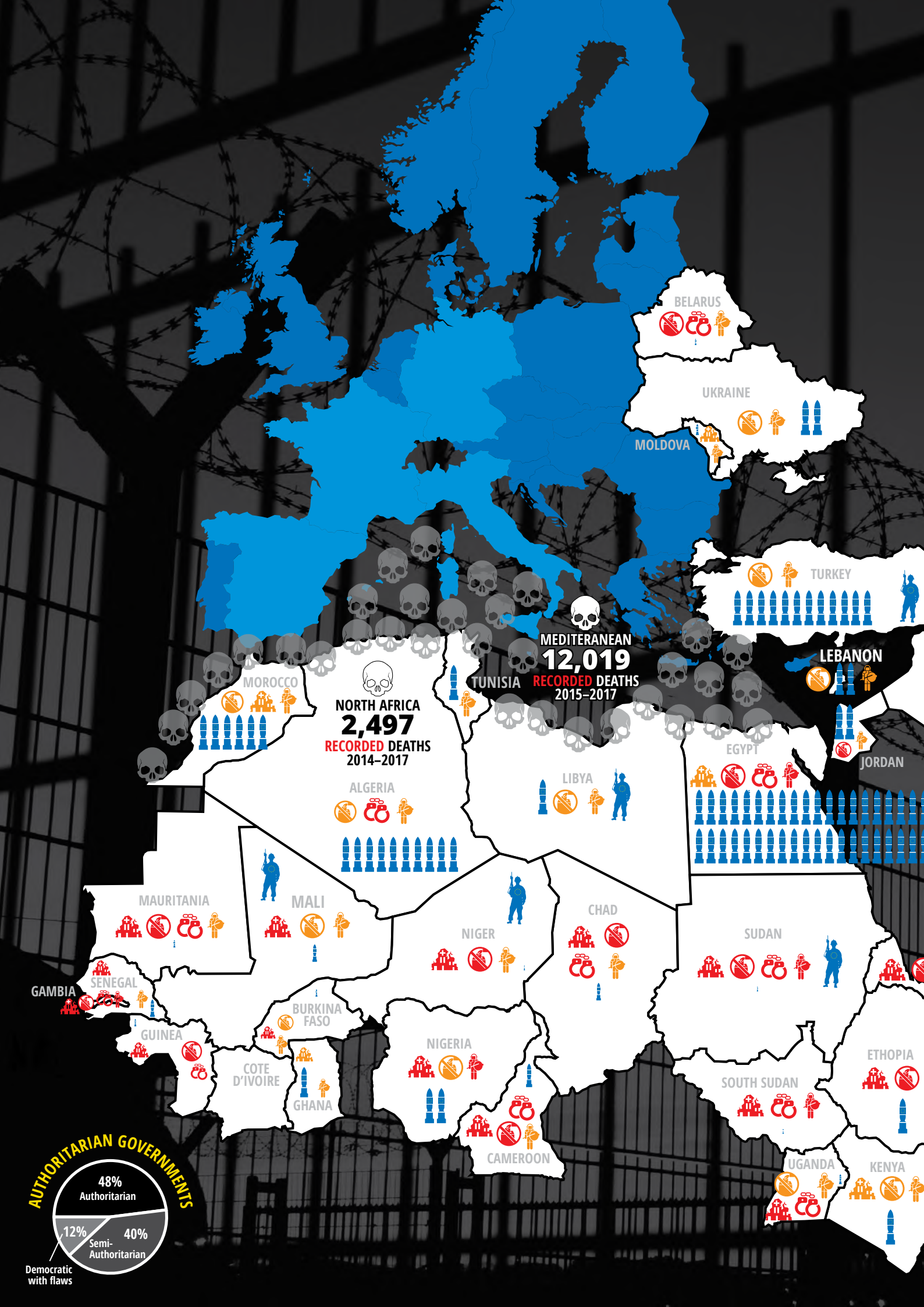
How this sacrifice of values plays out will be explored in more detail in case studies looking at EU’s migration cooperation with Libya, Turkey, Egypt, Mali and Mauritania in the next chapters.

TABLE 4 LEGEND	
HDI rank	Rank in Human Development Index over 2015 (188 countries in index) Ranking: very high (green); high (yellow); medium (orange); low (red)
DI score	Score in Democracy Index 2016 Score from 0 to 10: 0-4 – authoritarian regime (red); 4-6 – hybrid regime (orange); 6-8 – flawed democracy (yellow); 8-10: full democracy (green)
FIW score	Score in Freedom in the World index over 2015 Score from 1 to 100: free (green); partly free (yellow); not free (red)
HRRI risk category	Risk category in Human Rights Risk Index 2016 Categories: low (green), medium (yellow), high (orange), extreme (red)
WPS rank	Rank in Women’s Peace and Security Index 2017 Categories: top tercile (green), middle tercile (yellow), bottom tercile (red)
EU arms export licenses	<b>Embargo:</b> UN or EU arms embargo against this country (2017): yes or no <b>Value:</b> Value of arms export licenses granted by EU member states (2006-15) <sup>119</sup> <b>Rank:</b> Ranking EU arms export destinations by value granted licenses (2006-15)



**TABLE 4: Priority countries EU migration cooperation  
Development, democracy, freedom human rights indexes – EU arms exports**

Country	HDI rank (2015)	DI score (2016)	FIW score (2016)	HRRRI risk category (2015)	WPS rank (2017)	EU arms export licenses		
						Embargo	Value (2007-16) in € mln	Rank
Afghanistan	169	2.55	24	extreme	152	no	1,799	58
Algeria	83	3.56	35	high	123	no	10,522	25
Bangladesh	139	5.73	47	extreme	127	no	1,536	63
Belarus	52	3.54	20	high	37	yes	4	162
Burkina Faso	185	4.70	63	high	118	no	119	112
Cameroon	153	3.46	24	high	142	no	616	84
Chad	186	1.50	18	high	141	no	523	87
Cote d'Ivoire	171	3.81	52	high	121	no	493	90
Djibouti	172	2.83	26	high	-	no	262	101
Egypt	111	3.31	26	extreme	138	yes	56,720	4
Eritrea	179	2.37	3	extreme	-	yes	4	164
Ethiopia	174	3.60	12	extreme	106	no	814	82
Gambia	173	2.91	20	high	-	no	<1	207
Ghana	139	6.75	83	high	69	no	829	80
Guinea	183	3.14	41	high	135	no	114	114
Iraq	121	4.08	27	extreme	147	no	6,506	36
Jordan	86	3.96	37	high	110	no	2,280	52
Kenya	146	5.33	51	high	107	no	1,058	74
Lebanon	76	4.86	44	high	143	no	2,036	53
Libya	102	2.25	13	extreme	-	yes	1,337	66
Mali	175	5.70	45	high	146	no	416	93
Mauritania	157	3.96	30	high	136	no	157	110
Moldova	107	6.01	62	high	87	no	58	126
Morocco	123	4.77	41	high	113	no	6,799	35
Niger	187	3.96	49	high	144	no	98	119
Nigeria	152	4.50	50	extreme	128	no	1,995	54
Pakistan	147	4.33	43	extreme	150	no	9,635	29
Senegal	162	6.21	78	high	117	no	536	86
Somalia	-	-	5	extreme	140	yes	28	137
South Sudan	181	-	4	extreme	-	yes	14	149
Sudan	165	2.37	6	extreme	145	yes	17	145
Tunisia	97	6.40	78	high	93	no	991	75
Turkey	71	5.04	38	high	105	no	12,486	20
Uganda	163	5.26	35	high	100	no	274	100
Ukraine	84	5.70	61	high	103	no	1,661	61



**BELARUS**  
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**UKRAINE**  
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**MOLDOVA**  
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**TURKEY**  
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**LEBANON**  
 [Freedom of expression icon] [Freedom of assembly icon] [Political rights icon]

**JORDAN**  
 [Freedom of expression icon] [Freedom of assembly icon] [Political rights icon]

**MEDITERRANEAN**  
**12,019**  
 RECORDED DEATHS  
 2015-2017

**NORTH AFRICA**  
**2,497**  
 RECORDED DEATHS  
 2014-2017

**ALGERIA**  
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**LIBYA**  
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**EGYPT**  
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**MAURITANIA**  
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**MALI**  
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**NIGER**  
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**CHAD**  
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**SUDAN**  
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**GAMBIA**  
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**SENEGAL**  
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**GUINEA**  
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**BURKINA FASO**  
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**NIGERIA**  
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**CAMEROON**  
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**SOUTH SUDAN**  
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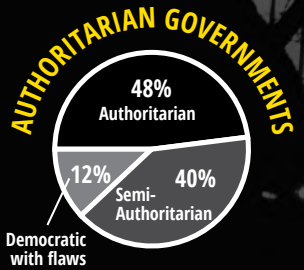
**ETHIOPIA**  
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**COTE D'IVOIRE**  
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**GHANA**  
 [Freedom of expression icon] [Freedom of assembly icon] [Political rights icon]

**UGANDA**  
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**KENYA**  
 [Freedom of expression icon] [Freedom of assembly icon] [Political rights icon]

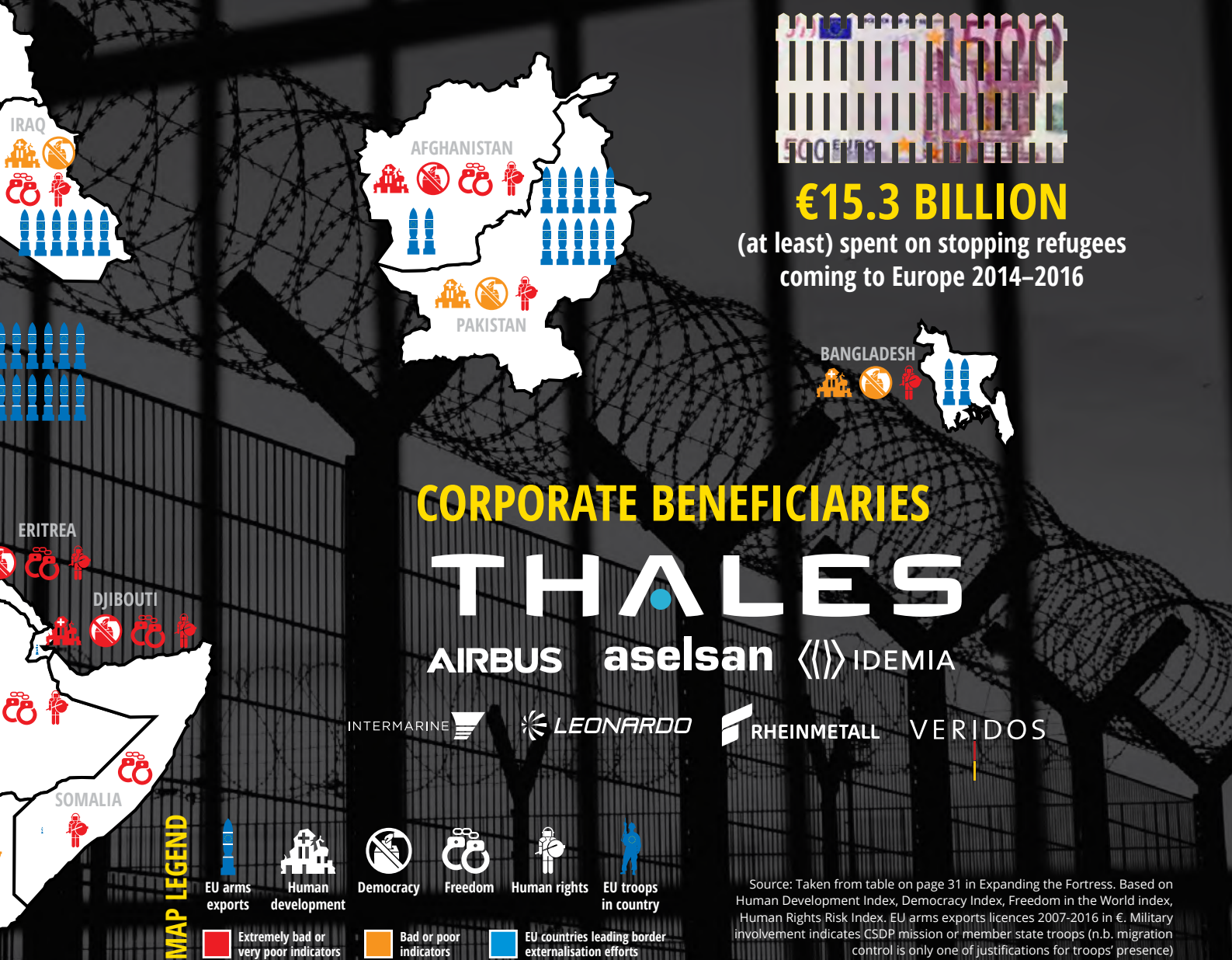


# EXPANDING THE FORTRESS

## EU's priority country partners for border and migration control

*"The EU is about to embark on a dark chapter of its history... towards a foreign policy that serves one single objective, to curb migration, at the expense of European defence of fundamental values and human rights."*

- From statement by more than 100 NGOs to European Council in June 2016





# THE CONSEQUENCES OF EU BORDER

*"Border externalisation measures] short-circuit democratic processes, generate zones of detention and encampment, increase the militarization of borders and the criminalization of the migratory act. All while strongly making unaccountable the actors of the repression against the migrant people: police, armies, transnational agencies, and non-state actors such as the militias or the multinational companies."*

- International Federation for Human Rights (FIDH)

# EXTERNALISATION

35

31

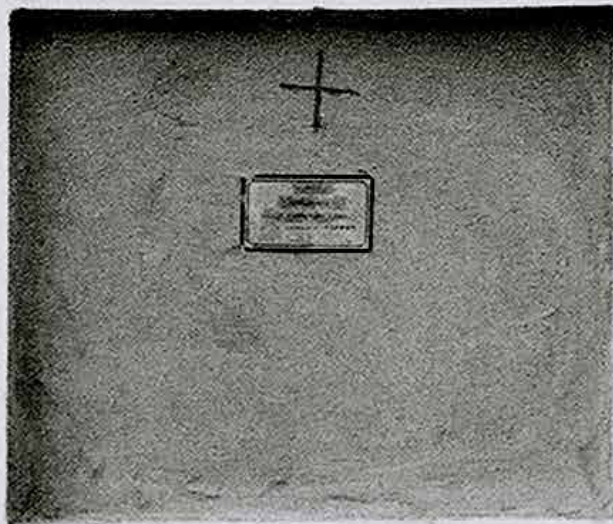
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2



The border externalisation policies of the EU have far-reaching consequences. The most affected are the forcibly displaced persons themselves, but they also undermine the economic and social development of African nations, forces them further into neocolonial relations, strengthens repressive governments, and ultimately also is at the detriment of EU interests.

## 4.1 MIGRATION ROUTES BECOME EVER MORE DANGEROUS

The extension of the border to beyond EU’s immediate shores means that forcibly displaced persons are confronted by ever more border security and border control measures, including detention and deportation. And this is happening in countries that as the table above shows have very poor records in terms of human rights, democracy and freedom. It can hardly be a surprise then, that migration management in these countries is often accompanied with more repression and violence, as the cases of Libya and Turkey show below. Many forcibly displaced persons end up stranded in dire straits in countries they wanted to transit through, which means either living in difficult circumstances of illegality, often subject to exploitation, or ending up in detention (as is detailed below in the Egypt case study).

Closing down a migration route doesn’t stop people from fleeing; most of the time it merely leads to a shifting of migrants to other routes.<sup>120</sup> These are often more dangerous routes, leading to a relatively higher number of deaths. The ratio of migrant deaths to arrivals to Europe via the Mediterranean was over five times as high in 2017 as it was in 2015. This reflects the effects of the Turkey deal and the closing off of the route to the EU via the Western Balkans, and a relatively higher percentage of forcibly displaced people using the dangerous Central Mediterranean route, from Libya to Italy, in 2016 and 2017.

No one keeps count of people that die en route to the point they set off to cross the Mediterranean. It is estimated that many more forcibly displaced persons die in the desert. Richard Danziger, IOM director for West and Central Africa says: ‘We assume it has to be at least double those who die in the Mediterranean. But we have no evidence, it’s just an assumption. We just don’t know.’<sup>121</sup>

Since 2014 IOM has published an annual report on ‘Fatal Journeys’, in which it tries to document migrant deaths and disappearances around the world. It has to acknowledge, though, that “whatever trends and numbers are collated, the reality is most likely far higher.”<sup>122</sup> In the 2017 edition of the report IOM writes that “[t]he 2,497 migrant deaths recorded in North Africa between 2014 and June 2017 is likely a conservative estimate of those who actually died on their journeys”, noting that “continuing reports of migrant deaths in the region indicate not only that North Africa is a very dangerous place for migrants, but that in most cases, the only proof of a person’s death is testimonies from their fellow migrants.”<sup>123</sup>

Another consequence of militarised borders and increasing border security is that forcibly displaced persons are driven into the hands of smugglers, to help them cross borders. As the risks for smugglers increase, they in turn charge higher prices for their work and often expose forcibly displaced persons to more dangers too. This smuggling is an attractive business for criminal networks, including armed militias. They have increasingly

Year	Arrivals to Europe via Mediterranean	Recorded deaths (Mediterranean)	Ratio deaths: arrivals
2015	1,012,179	3,785	1:267 (0.37%)
2016	363,401	5,143	1:71 (1.42%)
2017	172,152	3,139	1:55 (1.82%)
2018 (1 Jan–30 Apr)	34,133	606	1:56 (1.78%)

taken over from people who previously facilitated migration peacefully and as a compliment to their farming and livestock herding work.<sup>124</sup> In other words, EU border externalisation policies has had the exact opposite effect of one of its stated aims: strengthening rather than undermining the business model of criminal smuggling groups.

Forcibly displaced women and girls, in particular, face specific challenges at every step of their journey, including sexual and domestic violence, exploitation and harassment. 'Transit is a period of significant environmental, social sexual and legal risk' for women refugees, according to researchers Alison Gerard and Sharon Pickering. They point to the fact that 'border securitization is based on the broad exclusion of undesirable migrants [and] compounds and extends' the violence against women. Their research concludes that there is 'a strong relationship between the sites of women's experiences of violence and the efforts of the EU to secure its external borders'.<sup>125</sup>

Jane Freedman, a Professor at the Université Paris 8 and expert on gender and migration, concludes that 'current [European] immigration and asylum policies are pushing some groups of women into situations in which they are at greater risk', for example because the 'use of smugglers and of insecure migration routes can cause specific insecurities for women'. However, '[d]anger comes not only from smugglers, but also from police and military in the countries that the migrants have to cross to reach Europe'.<sup>126</sup> Those police and military forces are in many cases now strengthened by the EU and its member states.

## 4.2 FUELLING HUMAN RIGHTS ABUSES OUTSIDE EUROPE

It is hard to find an EU migration policy document in which you won't read the words 'in full respect of fundamental rights' or a likewise affirmation of refugees' human rights. In practice this is often nothing more than lip service.

The International Federation for Human Rights (FIDH), a coalition of over 180 international human

rights organisations, sums up the consequences of border externalisation: 'Formal or informal agreements and international programs [...] most of the time short-circuit democratic processes, generate zones of detention and encampment, increase the militarization of borders and the criminalization of the migratory act. All while strongly making unaccountable the actors of the repression against the migrant people: police, armies, transnational agencies, and non-state actors such as the militias or the multinational companies. The consequences in terms of non-respect of human rights are heavy: repressions, unfair trials, arbitrary detention, police violence, expulsions. Moreover, this repressive situation is pushing people on increasingly dangerous roads, to bypass the most heavily used roads now excessively controlled and militarized. Pushed into the hands of criminal actors, people on the move find themselves in situations of slavery, trafficking, ill-treatment, sexual violence or gender-based violence'.<sup>127</sup>

## 4.3 SUPPORTING DICTATORSHIPS AND REPRESSION

The consequences of EU border externalisation policies do not only affect forcibly displaced persons however. By cooperating with many authoritarian and human rights abusing regimes, as can be seen in the table in Chapter 3, the EU legitimises those governments and often strengthens their security forces through training and providing equipment. This increases their ability for internal repression.

Oxfam notes that 'the EU has increased the amount of money given to many of the same regimes that people are so desperately fleeing from'.<sup>128</sup> Geert Laporte, of the thinktank European Centre for Development Policy Management, raises another objection: 'The involvement of authoritarian regimes like Ethiopia, Eritrea and Sudan in this project [EUTF, MA] is a risk. Their criminal leaders see the chance of their lifetimes to build international legitimacy through their willing cooperation with the EU on migration. In this way we help badly governing and repressive regimes, that oppress their populations, to survive'.<sup>129</sup> This is even more

so the case when actual military and/or security capacities of such regimes are strengthened with EU or member states' money and equipment donations. The case of Sudan illustrates this (see Chapter 5.5). Pressure by activists, NGOs, press and politicians has led to EU officials and governments raising concerns about human rights, but little evidence of any change in practice. The EU clearly wants to uphold its image of a leading guardian of democracy and human rights – even if this is increasingly fictional – and so has obscured and sometimes kept secret its negotiations and work with regimes such as Sudan and Eritrea.

It is notable that many of these same regimes receive billions of euros of arms exports from EU member states. Researchers An Vranckx, Frank Slijper and Roy Isbister's examination of EU arms sales to the MENA region has shown how they have been used to repress the demands for democracy in several countries in MENA [during the so-called 'Arab Spring', MA]. Even where the evidence is unclear, Europe has shown its "willingness to transfer arms where the risk of such behaviour was very real, all while 'the potential for trouble at some point and the responding State repression could hardly be a surprise given the nature of these authoritarian regimes'.<sup>130</sup>

Some argue that it is in the best interest of the EU to have a ring of stable countries around Europe, even if they are dictatorships where stability is based on (severe) repression. Halbe Zijlstra, former Dutch Minister for Foreign Affairs, said a few years ago, while still parliamentary leader for the VVD party, that Europe would be better served by cherishing stable regimes in neighbouring third countries than by supporting quick democratic changes, because instability would only lead to more refugees coming to Europe: 'Instead of saying: you don't act according to our standards, so we think you're bad, you have to look much more for cooperation with those regimes, because that is in our security interests.'<sup>123</sup>

Besides the morally reprehensible nature of supporting dictatorships, it is also very questionable if this will even help to limit migration to Europe.

Many NGOs, including Amnesty, Human Rights Watch, Oxfam and others have warned that 'striking 'migration management' agreements with countries where grave human rights violations are committed will be counter-productive in the longer term – undermining human rights around the globe and perpetuating the cycle of abuse and repression that causes people to flee.'<sup>124</sup> Most dictatorships end up creating chaos, instability and violence – in either the short or long-term.<sup>125</sup>

## 4.4 UNDERMINING DEVELOPMENT AND STABILITY

Many countries that are targets of EU border externalisation policies deal with fragile internal security and stability situations. The EU's one sided approach focused on policies and measures to stop migration shows a disregard for the consequences this may have for the country and the region. The example of Niger, seen by the EU as a stable partner of the EU in the Sahel region, shows how this works out (see Chapter 5.3)

Niger has been praised by the EU for its efforts to restrict migrant flows, particularly through its northern city of Agadez. But there are signs that this is undermining an important migration-based economy in the region, and could lead to conflict as those who benefited from the economy are either forced underground into criminal networks or turn to violence to keep profits flowing. These include former Tuareg rebels who had demobilised after peace talks in the 1990s and 2000s in part because of the promise of working to transport migrants for living. But it also includes the security forces who have thrived on bribes and who may find other ways to extort money if migrant flows truly dry up.

## 4.5 DIVERSION OF DEVELOPMENT FUNDS AND PRIORITIES

The security-focused policy of the EU has led to a diversion of money for development cooperation towards security projects. Over 80% of the budget of the EU Emergency Trust Fund for Africa (EUTF)



comes from the European Development Fund and other development and humanitarian aid funds. According to research by Oxfam 22% of its budget for the first two years is allocated to projects in the field of migration management. Another 13.5% goes to peace-building and security, with the largest part (between €121 million and €161 million, or 7% of the total EUTF budget) used to fund security forces in third countries.<sup>126</sup>

It is not just a question of budgets, it is also about the way migration management is becoming the lens and ultimate priority for all European funding mechanisms. According to Global Health Advocates (GHA) this has led to a situation where '[t]here is a serious risk that development ceases to be regarded primarily as a tool for poverty eradication and that EU aid will continue to be used to leverage partner countries' cooperation on migration.' It questions the 'EUTF's ability to have a meaningful impact on poverty reduction', since it does not respond to 'a development emergency in partner countries, but rather to what the EU experienced as an emergency domestically.'

GHA also worries about the way funding to countries of departure or transit of forcibly displaced persons is prioritised over regions most in need. Since it is usually not the poorest people that (are able to) migrate, they 'are no longer the focus of EU aid', in disregard of the EU's own Lisbon Treaty, which states: 'Development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty.' Moreover, countries that are prioritized, such as Niger, are pushed to increase security expenditures at 'the expense of domestic budgets for health and education and broader development objectives.'<sup>127</sup>

The European Council even admits that it uses every possible tool to keep migrants out. The European Council in October 2016 said that the EU needs to 'pursue specific and measurable results in terms of preventing illegal migration and returning irregular migrants [...] by using all relevant EU policies, instruments and tools, including development and trade.'<sup>128</sup> A few months earlier the European Commission had already proposed to make migration part of all aspects

of EU relations with third countries. Regarding development cooperation, this means that 'there must be consequences for those who do not cooperate on readmission and return' and on trade policy the Commission states that 'migration cooperation should be a consideration in the forthcoming evaluation of trade preferences'. While 'positive and negative incentives' through trade and aid are at the forefront, '[a]ll EU policies including education, research, climate change, energy, environment, agriculture, should in principle be part of a package' when 'negotiating' with third countries.<sup>129</sup>

In a 2016 resolution, the European Parliament said 'that development aid should not be used to stem the flows of migrants and asylum seekers, and that the projects covered by the EUTF should not serve as a pretext for preventing departure or tightening borders between countries while ignoring the factors that drive people from their homes'. It also expressed 'grave concern at the impact which the EUTF may have on human rights, if containing migratory flows involves cooperating with countries which commit systematic and/or serious violations of fundamental rights'.<sup>130</sup> Good words that have been completely ignored by the European Commission and EU member state governments.

## 4.6 PRACTICING NEOCOLONIALISM; IGNORING AFRICAN POSITIONS

African official positions on migration differ a lot from European ones. Anna Knoll and Frauke de Weijer from the European Centre for Development Policy Management (ECDPM) conclude that while Europe in general focuses on irregular migration and reducing the number of arriving forcibly displaced persons, many governments in Africa tend to put 'more emphasis on facilitating and better managing intra-African migration and mobility as well as creating legal migration opportunities to Europe.'<sup>139</sup> Tighter border security between African countries notably hinders seasonal labour migration and cross-border trade.<sup>132</sup>

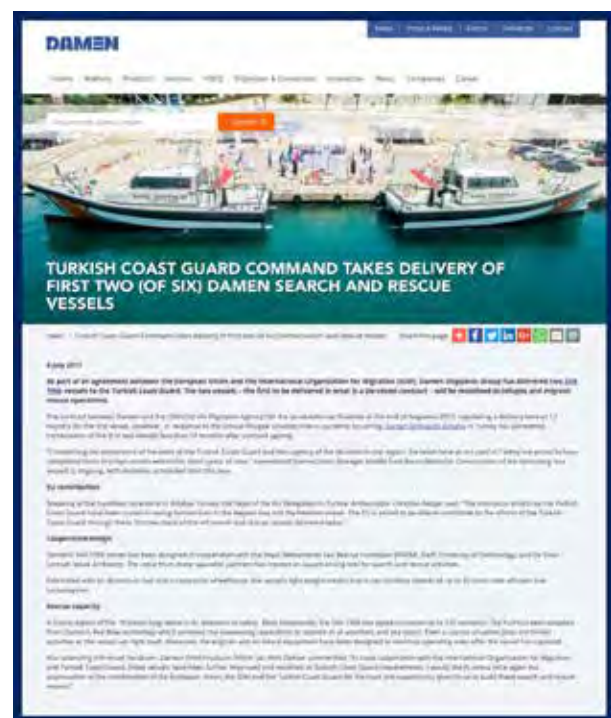
On the issue of intra-African migration, the EU forces African countries to act in opposition to the African Union (AU) approach. The AU issued a preparation paper for the Valletta Summit which advocates for free movement of persons within the Union and emphasizes the 'role of migrants as agents of innovation and development'.<sup>141</sup> While it worries about the possible brain drain, it also acknowledges the importance of remittances by migrants for national economies, legal escape routes and labour migration.<sup>142</sup> And it expresses hope that the Valletta Summit would provide more possibilities for legal migration from African countries to Europe.

In the Valletta Summit Action Plan '[p]romoting regular channels for migration and mobility from and between European and African countries' is one of the action points, but in practice the EU has used legal migration, and the issuing of visas, as a bargaining chip with African countries, to force them to strengthen border security and to accept deported migrants.<sup>143</sup> In its 'Action plan on measures to support Italy' in July 2017, the European Commission openly proposes 'using both positive and negative leverages, notably for the main countries of origin, including the use of visa leverage as appropriate'.<sup>144</sup> Meanwhile, as Geert Laporte, of the thinktank European Centre for Development Policy Management, notes, African governments and the African Union are excluded from decision-making finance bodies such as the EUTF, so that European priorities of stopping migration are the only ones considered.<sup>137</sup>

A coalition of African and European NGOs released a statement on the eve of the Valletta Summit, writing that the 'terms of cooperation remain euro-centric and focused on efficient return/removal policies as well as on the need for cooperation on behalf of non-EU countries to fight so-called 'irregular' migration'. They criticised 'the security obsession which has characterised migration policies' and said that '[a]cceptance of EU migration policies and instruments shall not be a condition for development cooperation and aid assistance by the EU'.<sup>146</sup>

The ways the EU puts pressure on African countries to guard its border outposts and to accept returned deportees, revive a long history of colonialism and neocolonialism and solidifies an unequal relationship between the continents. While the EU and its member states do not 'own' the third countries as they did in the colonial period, their migration policies certainly indicate a level of control and prioritisation of European above African interests that echo Europe's shameful colonial history.

Yet rather than express shame, the EU dresses up its policies in paternalistic garb. At the launch of the Partnership Framework, the European Commission even celebrated the agreement, noting that '[t]he special relationships that Member States may have with third countries, reflecting political, historic and cultural ties fostered through decades of contacts, should also be exploited to the full for the benefit of the EU.' It also unequivocally praises the opportunity the agreement provided for opening up new markets for European business arguing that 'private investors looking for new investment opportunities in emerging markets' must play a much greater role instead of 'traditional development co-operation models'.<sup>147</sup>

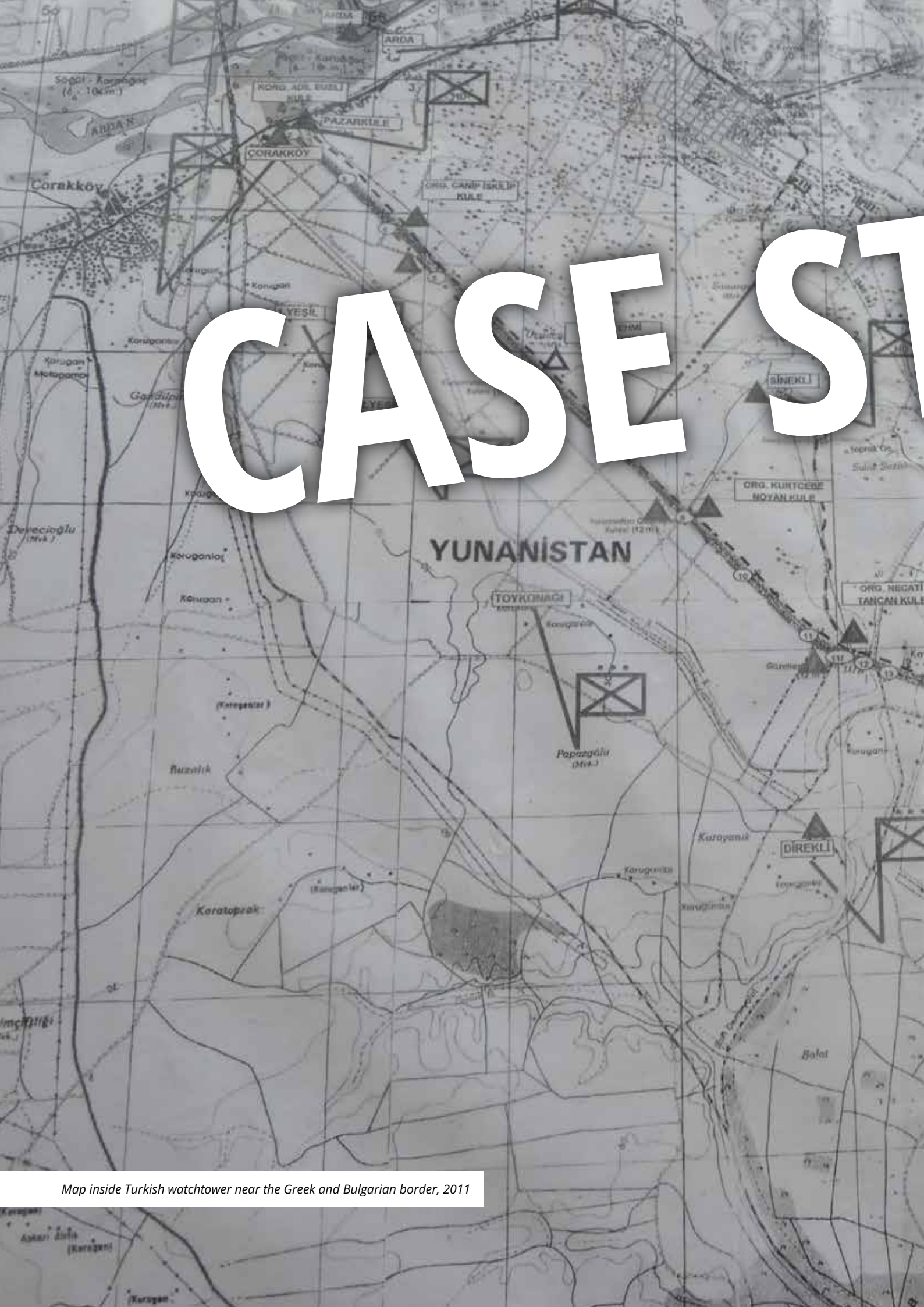


*Screenshot of Damen website promoting the sale of its ships to the Turkish coastguard*



*Demonstration in front of Italian Embassy in Tunis held by parents of missing Tunisian migrants at sea, 2012*

# CASE STUDY



Map inside Turkish watchtower near the Greek and Bulgarian border, 2011

# STUDIES

Europe's agreements  
throughout the MENA region

*"Abuses against migrants were widely reported, including executions, torture and deprivation of food, water and access to sanitation. ... Smugglers, as well as the Department to Counter Illegal Migration and the coastguard, are directly involved in such grave human rights violations..."*

- UN Panel of Experts on Libya, 2017



## 5.1 EU-TURKEY DEAL: BREAKING WITH INTERNATIONAL LAW

One of the most significant EU border externalisation agreements has been the deal with Turkey made in October 2015, and its follow-up in March 2016. The agreement committed Turkey to step up border security, shelter Syrian refugees and readmit refugees that entered the EU (Greece) from Turkey. In exchange the EU gave Turkey €6 billion, promised to resettle Syrian refugees from Turkey (one resettlement for one return) and to accelerate visa liberalisation for Turkish citizens.

In the Joint Action plan, the EU promised to strengthen the patrolling and surveillance capacity of the Turkish Coast Guard and other relevant Turkish authorities<sup>148</sup> And committed to closer cooperation between Turkey and Frontex. Since then, patrolling in the Aegean Sea has stepped up, with Frontex (Operation Poseidon) working closely together with the Greek and Turkish coastguards and NATO ships.

### CONSEQUENCES

The Turkey deal has been hailed as an effective, successful agreement, not least by the EU itself, after an initial period of complaining that Turkey didn't do enough to stop migration to Greece.<sup>149</sup> On the surface this might seem to hold true, with the decline of arrivals in Greece, but it comes at a high human cost.<sup>150</sup>

Since the deal, Turkey has severely stepped up security at the border with Syria, resulting in a large decrease in the number of refugees arriving in the country - a sign that Turkey doesn't want more Syrian refugees now that they can no longer travel on to the EU.<sup>151</sup> The construction of a 911 kilometres security wall along the border was completed in the spring of 2018, with the installation of lighting, a sensor system and cameras. New walls on the Turkish borders with Iraq and Iran were announced as well.<sup>152</sup> According to Rami Abdurrahman, the director of the Syrian Observatory of Human Rights, between September 2017 and March 2018, 42 civilians have been killed attempting to cross from Syria to Turkey.<sup>153</sup>

This shows how border externalisation measures lead to a shifting of the burden, where industrialised countries try to pass on the responsibility of handling forcibly displaced persons to their, often poorer, neighbours and ever more militarised walls are built. In many cases of EU border externalisation it is hard to see, to say the least, what the benefits for third countries are. For Turkey, however, the deal with the EU gave the Erdogan government the chance to insist on getting money, visa liberalisation and trade concessions in return. Also, it provided this government political recognition and legitimacy from the EU, despite its dubious role in the Syrian war, increasing internal repression and political crises.<sup>154</sup>

There have been many stories of violence against refugees since the conclusion of the Turkey deal. This includes refugees being (lethally) shot at by border guards or being beaten and abused at the border and in detention and the bussing back of groups of refugees into Syria.<sup>155</sup> The Turkish Coast Guard has also been involved in several violent incidents, including an attack on a dingy with refugees in March 2016.<sup>156</sup> In November 2017, they fired gunshots at a refugee boat, outside its territorial waters, and attacked its occupants, forcing them back to Turkish shores.<sup>157</sup>

Forcibly displaced persons who make it into Turkey, as well as those deported back there from Greece, face severe conditions. These range from being denied the right to apply for asylum and being kept in detention to having to work illegally in exploitative conditions, for example in the supply chain for western clothing brands.<sup>158</sup> Forcibly displaced women face gender-based violence, sexual assault and harassment by police and military as well as by employers and in refugee camps.<sup>159</sup> The Women's Refugee Commission concluded that the EU-Turkey deal 'is nothing short of a protection and legal disaster for refugees, particularly women and girls.'<sup>160</sup>

Field research by the Vrije Universiteit Amsterdam concluded that readmitted Syrian refugees face arbitrary detention and forcibly displaced persons in Turkey in general are at risk of deportation

without juridical review.<sup>161</sup> Turkish authorities told a delegation of members of the European Parliament in May 2016 that their aim was to 'ensure deportation of entirety of the people being returned from Greece, 100% if possible'.<sup>162</sup> International NGOs, working in Turkey to implement aspects of the deal, have faced harassment and fines.<sup>163</sup>

Meanwhile the EU has failed to live up to its part of the deal: talks about visa liberalisation have stalled, for which there might be good reasons given the increasingly repressive nature of the Erdogan-regime and the military operations against the Kurds. The EU also lags behind in resettling Syrian refugees from Turkey. Up until early September 2017, only 8,834 Syrian refugees had been resettled from Turkey to the EU, even though 25,000 resettlements were pledged for 2017. Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Greece, Hungary, Ireland, Malta, Poland, Slovakia, Slovenia and the United Kingdom so far haven't resettled a single Syrian refugee from Turkey.<sup>164</sup>

The legality under international law of the EU-Turkey deal has regularly been called into question. Not only by human rights organisations, but also by the Parliamentary Assembly of the Council of Europe.<sup>165</sup> However, when three refugees in Greece tried to challenge the legality of the deal based on violations of the principle of non-refoulement and the prohibition of collective expulsions, the European Union Court of Justice dismissed their claim on the ground that the EU itself is not a party to the deal, but rather its member states. Using roughly the same rationale, the EU bypassed democratic control by the European Parliament to conclude the deal.<sup>166</sup>

## **A BLUEPRINT FOR EU AGREEMENTS WITH THIRD COUNTRIES?**

For a while, the Turkey deal was seen as a sort of blueprint for further agreements with other countries. In September 2016, German Chancellor Angela Merkel said she wanted the EU to conclude such deals with Egypt, Tunisia and other countries in the Middle East and Africa.<sup>167</sup> Hungarian prime minister Viktor Orbán made

a similar proposal.<sup>168</sup> European Commissioner for European Neighbourhood Policy & Enlargement Negotiations, Johannes Hahn, however, opposed this.<sup>169</sup>

In early 2017, the Maltese Presidency of the EU raised the idea of copying the Turkey deal for Libya. This was immediately shot down by European Commissioner for Migration Dimitris Avramopoulos, who argued that Libya was too unstable. The European Commission instead put more emphasis on cooperation with African countries through the Partnership Framework.<sup>170</sup> In spite of this clear rejection, European Parliament President Antonio Tajani in August 2017 again made a plea to European leaders for a deal with Libya, backed up with €6 billion financial aid.<sup>171</sup>

## **OFFSHORE PROCESSING**

In 2004, the Council agreed to the principle of 'creating reception camps for asylum seekers' in and supervised by countries in North Africa.<sup>172</sup> Due to strong opposition, practical and legal obstacles and the deteriorating political and security situation in North Africa, this plan was basically stored away for a decade. In November 2014, though, Germany's interior minister Thomas de Maiziere took it off the shelf and proposed setting up new transit centres in North Africa, supervised by the UNHCR, to outsource the processing of asylum applications.<sup>173</sup> And in December 2016 Austrian foreign affairs minister Sebastian Kurz urged the EU to apply the 'Australian model', with detention centres in third countries.<sup>174</sup> Kurz' proposal was rejected by the Commission, but the Turkey deal shows that Europe is moving in the direction of Australia.<sup>175</sup> The EU and several member states have asked the Australian government for advice on how to handle migrant boats.<sup>176</sup> Australia was also one of the eight non-EU-countries attending the first European Coast Guard Cooperation Network Meeting of the renewed Frontex in November 2016.<sup>177</sup>

## 5.2 LIBYA: COLLABORATING WITH ARMED MILITIAS

After the implementation of the EU-Turkey deal, largely sealing off the so-called Western Balkan route to Europe, the new focal point became Libya, from which many forcibly displaced persons try to cross the Mediterranean to Italy on a route the IOM has dubbed ‘the deadliest route for migrants anywhere on Earth’.<sup>178</sup> The EU has been trying to get a grip on this situation, working with ever more dubious actors in Libya to stop migration.

The situation in Libya has been marked by civil war, violence and chaos ever since the overthrow of the decades-long regime of Colonel Gaddafi in 2011. The NATO-led military intervention that helped overthrow Gaddafi has been catastrophic in its impact.<sup>179</sup> There are several rival governments, while armed militia groups, some with support of foreign governments, are active throughout the country.<sup>180</sup>

In spite of this, Libya has remained at the centre of EU border externalisation efforts. The country has a long history of cooperation with the EU over migration control, especially with its former colonizer Italy. This followed the reconciliation between these two countries and the gradual re-acceptance of the Gaddafi-regime into the international community in the 2000s, after Libya took responsibility for the Lockerbie bombing and retracted from supporting international terrorist organisations.

### COOPERATION BETWEEN ITALY AND LIBYA: 1999–2011

After the Security Council suspended sanctions in 1999, Italy and Libya started to work together against migration. In 2007 they signed an agreement to start joint patrols on the Libyan coastline.<sup>181</sup> In 2008 Gaddafi and then Italian prime minister Silvio Berlusconi signed a Treaty of Friendship, Partnership and Cooperation.<sup>182</sup> Italy agreed to fund Libya with \$5 billion, over a period of 20 years, for infrastructure projects, to compensate for colonial rule. Berlusconi, however referred to Italy’s real goals as ‘less illegal immigrants and more oil’.<sup>183</sup> The Treaty includes ‘the realization of

a control system on Libyan land borders’, as well as cooperation between the military industries.

Prior to the Friendship Treaty, Italy had already started to support Libya in anti-migration efforts. It financed deportation flights from Libya to the countries of origin of forcibly displaced persons and provided Libya with border control equipment and training. Italy also built several migrant detention centres across Libya, that were effectively prison camps.<sup>184</sup> Since 2004, Italy had been deporting forcibly displaced persons to Libya, where many are then deported to their countries of origin, irrespective of the dangers they face. In February 2012, the practice of returning refugees rescued at the high seas to Libya by Italian boats was condemned in a landmark decision by the European Court of Human Rights (*Hirsi et al. v. Italy*), because the forcibly displaced persons were ‘exposed to the risk of ill-treatment in Libya and of repatriation to Somalia or Eritrea’.<sup>185</sup>

### COOPERATION BETWEEN THE EU AND LIBYA: 2004–2011

Cooperation between the EU and Libya on migration has continued to strengthen. The EU started engaging with Libya in 2004, the same year it lifted the arms embargo, on Italy’s request because it wanted to sell it high-tech equipment for border security.<sup>186</sup> A small group of countries, notably the UK, Denmark, the Netherlands and Germany, pushed for cooperation with Libya, including through the Justice and Home Affairs (JHA) Council. This resulted in a European Commission technical mission to Libya in 2004, followed by a Frontex mission in 2007.<sup>187</sup>

The European Commission funded several ‘migration management’ projects in Libya between 2004 and 2011, most from the AENEAS Programme and the Thematic Programme on cooperation with Third Countries in the Areas of Migration and Asylum. Several of the projects include the provision of equipment; for example, as part of the Sahara-Med project ‘[t]echnical equipment [was] provided to improve the operational capacity of the relevant Libyan agencies in charge of border and migration management’.<sup>188</sup>



**TABLE 6: EU funded 'Migration management' projects in Libya (2004–2011)<sup>189</sup>**

Project	EC funding
A comprehensive approach to the effective management of mixed migration flows in Libya	€2 million
Across Sahara – Pilot project of regional cooperation and capacity building on border and illegal migration management (Libya and Niger)	€1.6 million
Across Sahara II – Regional cooperation and capacity building on border and migration management (Libya and Algeria)	€1 million
Facilitating a coherent migration management approach in Ghana, Nigeria, Senegal and Libya by promoting legal migration and preventing further irregular migration	€2 million
Interactive Map on Irregular Migration Routes and Flows in Africa, the Middle East and the Mediterranean Region (i-Map) (Libya and other MENA countries)	€0.9 million
Project Réseau Afrique/Migration : renforcement de l'engagement opérationnel et de la collaboration régionale des acteurs de la société civile sur la gestion des flux migratoires de transit dans le Maghreb (Libya, Morocco, Algeria and Tunisia)	€1.3 million
Regional Assisted Voluntary Return and Reintegration (AVRR) Programme for Stranded Migrants in Libya and Morocco (Libya, Morocco and Niger)	€2 million
Sahara-MED: prevention and management of irregular migration flows from Sahara Desert to Mediterranean Sea	€10 million
Special Measures for Asylum and Migration for Libya and South Africa	€5 million
Strengthening the Criminal Justice System Response to Smuggling of Migrants in North Africa (Libya, Morocco, Algeria, Egypt and Tunisia)	€1.5 million
Support to Libyan authorities to enhance the management of borders and migration flows	€10 million
Migration observation, analysis and monitoring system in the North Africa and Eastern Mediterranean region (Libya and other MENA countries)	€1.4 million
The East Africa Migration Route: building co-operation, information sharing and developing joint practical initiatives amongst countries of origin, transit and destination (Libya, other countries in North and East Africa and Yemen)	€0.9 million
Title Programme for the Enhancement of Transit and Irregular Migration Management in Libya	€2 million

Money has flowed to Libya, even though human rights organisations have consistently expressed their concerns about cooperating with Libya, given the extremely bad situation for forcibly displaced persons in the country. Amnesty International wrote to the Council in April 2005 that Libyan authorities carry on with 'arbitrary arrests and put migrants in prolonged incommunicado detention, where they are at risk of ill-treatment and torture.'<sup>190</sup> In its 2010 World Report, Human Rights Watch stated that interviewed refugees 'described how Libyan guards beat them with wood and metal sticks, and detained them in severely overcrowded and unsanitary conditions. They also spoke about police corruption and brutality and of migrants being dumped in the desert near Libya's land borders.'<sup>191</sup>

## COOPERATION AFTER THE OVERTHROW OF GADAFI

After the overthrow of Gaddafi and the installation of the National Transitional Council (NTC), the situation in Libya prevented planned progress on

anti-migration cooperation. EU High Representative Catherine Ashton announced the suspension of the negotiations on a EU-Libya Framework Agreement in 2011.<sup>192</sup> Libya became a scene of conflict, violence and chaos, with three rival governments and many armed militias controlling parts of the country. This led to an increase in people leaving Libya, but also made it more popular as a transit country. According to Amnesty International, 'the human rights situation for asylum-seekers, refugees and irregular migrants in the country [...] deteriorated'.<sup>193</sup> However, the EU, and Italy in particular, kept looking for ways to push the cooperation forward, especially as Libya became a key starting point of migration to Europe in the wake of the Turkey Deal.

In June 2011 Italian Foreign Minister Franco Frattini signed an agreement with NTC prime minister Mahmud Jibril to battle irregular migration that affirmed previous agreements between Libya and Italy.<sup>194</sup> In November 2011, the European Commission decided to continue its project *Support to the Libyan authorities to enhance the management*

*of borders and migration flows*, funded with €10 million. The project was slightly changed, adapting to the new circumstances, but strengthening Libya's migration management capacities remained a critical part of it. The project was implemented by IOM and included training, technical assistance and purchase of equipment.<sup>195</sup>

In January 2012 Libya asked the EU to assist in the renovation of detention centres, warning that 'illegal immigration' was on the increase.<sup>196</sup> In April 2012, Italy and Libya concluded a Memorandum of Understanding on security. This included training programmes for the Libyan police, the construction or upgrading of detention centres and the provision of border control and surveillance equipment.<sup>197</sup> According to Amnesty International, the agreement allows Italy to intercept asylum seekers at sea and hand them back to Libyan soldiers, showing 'itself willing to condone human rights abuses in order to meet national political self-interest'.<sup>198</sup>

## **EUBAM LIBYA**

In May 2013 the EU Council decided to start a Border Assistance Mission in Libya (EUBAM Libya). According to its official mandate, it is a civil crisis management operation to 'support the Libyan authorities to develop capacity for enhancing the security of Libya's land, sea and air borders in the short term and to develop a broader IBM [Integrated Border Management] strategy in the longer term'.<sup>199</sup> However, the leaking of an internal EU document showed that its main aim is to strengthen Libya's Border Guards and Naval Coast Guard, both paramilitary parts of the Ministry of Defence.<sup>200</sup> Despite the official civilian nature of the mission, the document also called for '[m]ilitary expertise'.

In the same document, the EU also noted with satisfaction that due 'to a lack of planning and implementation capacity', Libya had spent only 40% of its complete government budget. While this meant that '[m]uch needed large scale investments in services such as infrastructure, health and education continue to be grossly neglected', the EU saw it as an opportunity for Libya to have enough money left to procure border security equipment.<sup>201</sup>

The headquarters of the mission was in Tripoli, where security immediately proved to be a problem. A tender for a €6.2 million contract received responses by large private security companies like Aegis, Amarante, Control Risks, GardaWorld, Geos and G4S, but none of the offers were deemed suitable. This prevented mission personnel from travelling outside Tripoli for security reasons most of the time.<sup>202</sup>

The EUBAM operations never really got off the ground and in August 2014 the mission moved to Tunis, because it became too unsafe to stay in Libya. It was downsized as well, but kept on giving workshops and seminars to Libyan border guards outside the country.<sup>203</sup> German, Italian and French advisers conduct the trainings. In January 2017, it concluded that '[i]f any form of border management is exercised at the Libyan land borders, particularly in the South, it is on the initiative from the local communities'.<sup>204</sup>

In 2017, EUBAM Libya started to return to Libya on one day visits to Tripoli.<sup>205</sup> Its mission was extended, eventually to 31 December 2018.<sup>206</sup> However, an internal EUBAM paper from September, warned that '[s]ustainable progress may remain limited in the absence of a political solution, an end to the military conflict and a return to stability'.<sup>207</sup>

## **INCREASING COOPERATION**

In September 2013 Libya joined the Seahorse Mediterranean project (an extension of the original Seahorse Network, aimed at setting up a satellite-based communication network among the Mediterranean countries involved). This includes 'the training of coastguards and the holding of courses for coast and land border monitoring'. From the EU, Spain, Italy, France, Malta, Portugal, Cyprus and Greece are involved.<sup>208</sup> Tunisia, Egypt and Algeria were also invited to participate, but by 2017 still hadn't accepted.<sup>209</sup>

Then, in early October 2013, two ships with forcibly displaced persons travelling from Libya towards Italy sank near the coast of the Italian island Lampedusa, resulting in about 400 deaths.<sup>210</sup> Surviving passengers of the second smaller shipwreck reported being shot at by Libyan militiamen from a boat that followed them.<sup>211</sup>

After a relatively quiet period, all eyes were on Libya and migration again. The predictable reaction was a call for more border security measures, based on the oft-repeated and never proved argument that this would deter forcibly displaced persons from risking their lives.<sup>212</sup> The Italian Navy launched the maritime Operation Mare Nostrum to tackle migration, with €1.8 million funding from the EU External Borders Fund.<sup>213</sup> Italy and Malta urged the EU to also put more pressure on Libya to stop migration from its shores.<sup>214</sup> Libyan prime minister Ali Zeidan asked for training, equipment and access to the EUROSUR surveillance system.<sup>215</sup>

In March 2014, a Ministerial Conference on International Support to Libya took place in Rome. The participants, mainly European countries, called on Libya to complete a border control management system.<sup>216</sup> In May, after a period without major known incidents, two boats from Libya to Italy sank, leaving over 50 migrants dead.<sup>217</sup> The EU again said Libya should do more to stop migration, while complimenting itself on its own efforts.<sup>218</sup> Meanwhile, Libya's interim interior minister Salah Mazek echoed Gadaffi's stance of 2010, threatening Europe with a flood of migrants if resources were not forthcoming, adding: 'Libya has paid the price. Now it's Europe's turn to pay.'<sup>219</sup>

**TABLE 7: EU initiatives on Libya and stopping irregular migration / border management (May 2014)<sup>220</sup>**

Initiative	Players	Budget
'SaharaMed' Project to the benefit of Libya: - Developing the capacity of the Libyan authorities in border and migration management according to the international and EU standards	EC, Italy, Greece	€11 million
EU Border Assistance Mission in Libya (EUBAM Libya)	EC, EEAS, Frontex, Member states	€30 million
Develop a member states' liaison officers network in Libya in charge of collecting information and intelligence to disrupt criminal organisations involved in smuggling of migrants	Italy, France, Germany, UK, Europol, Frontex	
Training initiatives to Libyan officials by Malta Police and Army	Malta	
Support to the capacity rebuilding of Libyan Coastguard and Navy	France	
Establishing a secure maritime communications network to to reduce illicit traffic and smuggling of goods and persons; tenders for adding Libya to the Seahorse Mediterranean Network announced	EC, Cyprus, Spain, Italy, Greece, Malta, France, Portugal	€7.1 million



*Refugees rescued off the coast of Libya*

## MILITARISING THE COASTGUARD RESPONSE

Further tragedies occurred in April 2015, when two ships from Libya capsized, leaving hundreds of forcibly displaced persons dead. This led the EU to start a military operation *European Union Naval Force – Mediterranean Operation Sophia (EUNAVFOR MED)* in July that year. This operation, which marked the first overtly militaristic reaction against refugees on EU level, sought to intercept and destroy vessels used for migrant smuggling. Several EU member states provided ships, planes and helicopters for Operation Sophia.<sup>221</sup> Since November 2016 NATO has also been involved. Its new maritime operation, *Sea Guardian*, provides situation awareness and logistical support to Operation Sophia.<sup>222</sup>

In June 2016, the Council extended the operation and added the training of Libyan coastguards to its task, despite unclarity on who forms the coast guard, with both government troops and militias claiming that role, and to whom it is accountable when there's no functioning government with control over the whole country.<sup>223</sup> In October the first training started, with 78 participants. The training was funded by direct contributions from Cyprus, Czech Republic, Luxembourg, Malta, Slovakia and Slovenia. Trainers came from Belgium, Germany, Greece, Italy and the UK, while an Italian and a Dutch vessel were used in the training. Frontex was in charge of the module on law enforcement.<sup>224</sup> Trainees learned, for example, how to approach a vessel at sea.<sup>225</sup> Despite the EU's assertion that this would include 'a substantial focus on human rights and international law', Access Info Europe found out through an access to documents request that '[f]rom a total of 20 documents – including a video – released, only 0.5% of the content is dedicated to ensuring the protection of human rights.'<sup>226</sup>

By September 2017, 136 Libyan officers from the Coast Guard and the Navy had been trained, with another 87 candidates about to start.<sup>227</sup> Several EU member states had participated with trainers and/or funding. The UK, for instance, contributed €695,000 and an eight-person Royal Marine team.<sup>228</sup>

Before the trainings the UN Panel of Experts had voiced concerns that the programme could violate the UN arms embargo against Libya. According to Operation Sophia and the European External Action Service (EEAS) the training programme falls outside this embargo however, because it is not 'related to military activities'.<sup>229</sup> A dubious stance since the coast guard is part of the Ministry of Defence, as is the Navy of course.

The Libyan Coast Guard, partly made up of armed militias, has repeatedly attacked and abused refugees, as well as threatened NGO Search and Rescue (SAR) boats.<sup>230</sup> A Panel of Experts on Libya, established by the UN Security Council, found that the coast guard is 'directly involved in [...] grave human rights violations' and 'the sinking of migrant boats using firearms'.<sup>231</sup> The commander of the coast guard said the use of force, specifically beatings with plastic pipes, during rescue operations was 'necessary to control the situation as you cannot communicate with them.'<sup>232</sup>

Médicins sans Frontières (MSF), Save the Children and Sea Eye (German) had to suspend their rescue work when the coastguard extended its operations beyond Libyan waters and started to open fire on rescue ships in international waters.<sup>233</sup> Despite this, Italy stepped up its operational assistance to the Libyan Coast Guard and the EU urged NGOs to cooperate with this entity that sometimes attacks them.<sup>234</sup> Evidence even emerged that some parts of this coastguard are involved in people smuggling themselves, or at least in corruption related to smuggling.<sup>235</sup> Yet, in April 2017, the European Commission admitted it was assessing a request for equipment support for the Libyan Coast Guard.<sup>236</sup> The wish list includes five large patrol ships with radar and machine guns, and dozens of smaller ships, some with armaments, night vision equipment and radios.<sup>237</sup> The EU has frequently hinted at possible equipment donations, but not always delivered.<sup>238</sup>

## ITALY WORKING WITH ARMED MILITIAS

In February 2017, Italy and Libya signed another border security deal. Concrete commitments include completing the border control system at the southern border and funding of 'reception centres', which would in fact be detention centres.<sup>239</sup> Italy set up a €200 million fund to finance this. In March 2017, a court in Tripoli suspended the agreement, although the reasons are unclear.<sup>240</sup>

In April another deal followed, this time between Italy and 60 tribal leaders gathered in Rome, mostly active in the south of Libya.<sup>241</sup> Italy would provide equipment and staff training, with the aim of having a functioning border guard at the southern borders. 'Securing Libya's southern border means securing Europe's southern border', said Italian Interior Minister Marco Minniti.<sup>242</sup> One of the tribal leaders, Mohamed Haay Sandu, though shared how integral migration had become to their economy: 'For many of us, facilitating the passage of migrants has become a way of earning money. The economy is on the brink of collapse. Around 15 per cent of our people work in migrant trafficking. It is the main source of income.'<sup>243</sup>

In May, Defence Minister Roberta Pinotti told press that Italian Carabinieri (military police) are training local police forces in Libya, in the context of stopping migration. She provided no further details.<sup>244</sup> In 2014 Carabinieri had already given training in border surveillance to 31 Libyan border guards, in the context of the Italian Military Mission to Libya.<sup>245</sup>

Working in Libya invariably means having to work with armed militias, which raises numerous concerns when the shared agenda is managing migrants and human rights concerns become secondary. A UN Security Council group of experts reports that '[a]rmed groups, which were party to larger political-military coalitions, have specialized in illegal smuggling activities', with most of them being 'nominally affiliated to official security institutions.'<sup>246</sup>

In August 2017, reports emerged about armed militias preventing refugee boats from leaving the coast of Libya.<sup>247</sup> Local sources said they received aid, aircraft hangars and large sums of money (\$5 million was mentioned) from Italy in exchange, partly to compensate for losing money they earlier got from trafficking refugees themselves.<sup>248</sup> This led to a temporary sharp decrease in migration to Italy, but by September violent power struggles between militias in the key port Sabratha over control of the smuggling business had begun to undermine this strategy.<sup>249</sup> Meanwhile, similar to the situation after the Turkey Deal, those affected by these policies do not disappear – they are either stranded in Libya, ending up in detention or other difficult circumstances or seek out other potentially more dangerous routes.<sup>250</sup>

This reality has not deterred Defence Minister Pinotti, who in September announced that Italy was ready to send about 100 Carabinieri to the border between Libya and Niger, to train Libyan border guards. Pending discussion with Libya and in the Italian parliament, the actual mission, funded by the EU, would begin in 2018.<sup>251</sup>

## EU STEPS UP SUPPORT

While Italy has clearly taken the lead regarding Libyan border security, the EU has also stepped up its support. The European Council in June 2017 concluded that '[t]raining and equipping the Libyan Coast Guard is a key component of the EU approach and should be speeded up.'<sup>252</sup> In July, a €46 million project on sea and land border management in Libya, as prepared by Italy and the European Commission, was adopted under the EUTF.<sup>253</sup> It provides '[s]upport to training, equipment (rubber boats, communication equipment, lifesaving equipment), repair and maintenance of the existing fleet.' As well as assistance to the Coast Guard it also includes plans for surveillance facilities at the southern border.<sup>254</sup> In November 2017 the EU and Italy announced the allocation of €285 million to create operational centres for search and rescue (SAR) in Libya. With this a Libyan SAR zone would be created, enabling the easier return of refugees picked up at sea to Libya.<sup>255</sup>

## REFUGEE SITUATION IN LIBYA BECOMES DIRE

Many NGOs have sounded alarm over the horrific circumstances in Libyan detention centers and violence against forcibly displaced people in Libya. This alarm has been sounded for some time. Human Rights Watch reported already in 2009 about “poor conditions and brutal treatment in [...] migrant detention centers throughout Libya”, both within government and smuggler-run centres. It also wrote of detained refugees being sold to smugglers by prison managers.<sup>256</sup>

MSF, which has been providing medical assistance in detention centres in Tripoli and was active with a SAR Mediterranean mission wrote in 2017: ‘Detainees are stripped of any human dignity, suffer ill treatment, and lack access to medical care. [...] Medical teams treat more than a thousand detainees every month for [...] diseases [...] directly caused or aggravated by detention conditions. Many detention centres are dangerously overcrowded, with the amount of space per detainee so limited that people are unable to stretch out at night [...]. Food shortages have led to adults suffering from acute malnutrition, with some patients needing urgent hospitalisation.’<sup>257</sup> Amnesty International and Oxfam have pointed to frequent sexual abuse.<sup>278</sup> Refugee women in Libya ‘expect to be raped and [...] are constantly at risk of sexual violence at the hands of smugglers, traffickers, armed groups or in immigration detention centres.’<sup>259</sup>

It’s not only NGOs that have horrifying stories about the conditions for forcibly displaced people. The UN Security Council Panel of Experts on Libya writes that ‘[a]buses against migrants were widely reported, including executions, torture and deprivation of food, water and access to sanitation.’<sup>260</sup> And the UNHCR has called for an end to detention of forcibly displaced people in Libya.<sup>261</sup> In November 2017 the leader of the Libyan Government of National Accord, al-Sarraj, granted limited access to some detention centres to UNHCR and IOM.<sup>262</sup> However, there are serious questions about whether the

UNHCR’s limited access will end up legitimising the continued existence of the inhumane detention centers rather than provide any significant support or end to the systemic patterns of abuse.

In November 2017 the EU, together with the African Union and the UN, decided to set up a Task Force for Libya, with the evacuation of forcibly displaced people as one of its main objectives.<sup>263</sup> From then to April 2018 the UNHCR was also responsible for the evacuation of 1,334 forcibly displaced and detained persons out of Libya, mostly to Niger through the Emergency Transit Mechanism. Promises by EU member states of resettlement and the chance to get asylum through a processing system in Niger have been only partially met.<sup>264</sup> Of the first 497 people evacuated by the UNHCR from Libya to Niger only 25 were resettled, all of them in France.<sup>265</sup>

The German Embassy in Niger has reported in internal diplomatic correspondence, about ‘most serious, systematic human rights violations in Libya’ and said that ‘[a]uthentic cell phone photos and videos prove the concentration camp-like conditions in the so-called private prisons’, where ‘[e]xecutions of non-solvent migrants, torture, rape, extortion and removals into the desert are commonplace’. Each week detained migrants are shot to make room for new ones to increase smugglers’ revenues.<sup>266</sup>

And even the EU itself in internal documents, had to acknowledge that in Libya ‘[h]uman rights abuses and mistreatment of migrants [...] are common practice.’<sup>267</sup> EUBAM Libya wrote that ‘[d]etention centres are also under the control of militias with serious human rights violations being frequently reported.’<sup>268</sup>

The EU has done little to address these concerns. Indeed, at times its main concerns seem to be less with the refugees, but with its own reputation. One EUBAM report calls for ‘significant strategic communication efforts’ to support Libya’s coastguard and detention centres due to the ‘significant reputational implications for the EU.’<sup>269</sup>

### 5.3 NIGER: UNDERMINING AN ECONOMY AND ENDANGERING FORCIBLY DISPLACED PERSONS

Niger is one of the least developed countries of the world, with large parts of its population living in extreme poverty and with a poor human rights record.<sup>270</sup> Its northern city of Agadez has been called the ‘smuggling capital’ of Africa. For forcibly displaced persons it is an important hub on their journeys towards Europe, most of them travelling on to Libya or Algeria. As other sources of income such as tourism have declined, migration has become the economic engine for the region.<sup>271</sup>

Not surprisingly then, Niger has become a key country for EU’s migration policies. Its government has emerged as the EU’s closest ally in Africa on fighting migration, praised as ‘a proactive and constructive partner’ by the European Commission.<sup>272</sup> In 2015, Niger criminalised human smuggling, under pressure from European countries, and

has since developed a National Migration Strategy and action plan<sup>273</sup>

The EU focuses on ‘capacity building’ for migration management in Niger, not the least by supplying border security equipment and training to the country’s paramilitary National Guard which is responsible for border security. The government of Niger relies on development funds for a significant part of its annual budget and EU money for fighting migration is a welcome addition.

Part of the EU assistance is done through the EUCAP Sahel Niger mission. Frontex has deployed its first liaison officer in Africa to Naimey, the country’s capital.<sup>267</sup> Niger is also one of the ‘priority countries’ of the Partnership Framework and hosts many projects financed from the Emergency Trust Fund for Africa (EUTF). In June 2017, Niger was granted another €50 million to strengthen ‘state capacities in the sectors of security, counter smuggling, and include addressing trafficking in human beings’.<sup>275</sup>

**TABLE 8: EU Emergency Trust Fund for Africa – ‘migration management’ projects in Niger**

Project	Funding
Setting up a joint investigation team to combat irregular immigration, human trafficking and people smuggling	€6 million
Support for justice and security in Niger to fight organised crime, smuggling and human trafficking (AJUSEN)	€30 million
Response mechanism and resources for migrants (MRRM)	€7 million
Programme de renforcement de la gestion et de la gouvernance des migrations et le retour durable au Niger (Sustainable Return from Niger – SURENI)	€15 million



*Migrant in IOM Agadez transit camp, Niger, 2017*

Niger has had many meetings with EU member state ministers to discuss further cooperation on fighting migration. In May 2017, reports in the press that Italy would send 500 soldiers to Niger to block migration to Libya, called operation 'Deserto Rosso' (Red Desert) were vehemently denied by the government. A few days later, though, Italy signed an agreement with Niger, Chad and Libya, to set up 'reception centres'.<sup>276</sup> In August the same year, leaders of Niger, Chad and Libya met with their counterparts from France, Germany, Italy and Spain to discuss new measures to stop migration to Europe. They agreed upon a 'short-term plan of action', with extra support for border control for Niger and Chad and stated that it is 'important to equip and train in an adequate manner Libyan coastguards'.<sup>277</sup> In September, Defence Minister Roberta Pinotti announced that Italy is 'speaking to Niger and Chad about possible military collaboration' regarding 'training and border control'.<sup>278</sup> In Niger it was noted that Italian officers had already started to frequent the US military base in Agadez.<sup>279</sup>

Agadez already houses an IOM-run 'Migrant Information Center', funded by the EU, aimed at deterring migrants from going towards Europe as well as an IOM-run transit center, funded by Italy, to channel returned migrants and pressure them into a 'voluntary' return to their country of origin.<sup>280</sup>

## **DANGER AND DEATH FOR FORCIBLY DISPLACED PERSONS**

On the surface these activities have led to a sharp decrease in the numbers of migrants travelling towards Europe through and from Agadez, according to the EU. Some experts are sceptical, though, and think that smugglers have moved their activities underground and/or started to bypass known control points.<sup>281</sup> It is likely that it has forced forcibly displaced persons to take more dangerous routes, with smugglers charging higher prices and paying higher bribes to border guards and other officials. Repression forcing the smuggling business underground also makes it more attractive for criminal networks involved in smuggling of arms and drugs.<sup>282</sup>

While some efforts are made to track the number of forcibly displaced persons dying trying to cross the Mediterranean, no one keeps count of those

dying while travelling in and from Niger. Several horrifying stories, however, have emerged. In June 2016, the bodies of 34 refugees, including 20 children were found in the Sahara desert, apparently left to die from thirst by smugglers. 'The main reason we see abandoned migrants is because of the patrols', said Azaoua Mahaman from the IOM Agadez, '[the smugglers] are afraid of going to prison, so they drop the migrants and flee.' There are many (unverified) reports of security forces opening fire on vehicles with migrants...<sup>283</sup> These are security forces which received training and equipment from the EU and its member states.

## **UNDERMINING REGIONAL DEVELOPMENT AND STABILITY**

Anti-migration efforts have also led to the hollowing out of Agadez's migration-based economy, thereby threatening the fragile stability between the northern and the traditional more affluent, southern regions of Niger.<sup>284</sup> They have undermined the economic position of former Tuareg rebels, who, after peace talks in the 1990s and 2000s, were encouraged by the government to turn to transporting migrants for a living instead of drugs smuggling and other crimes.<sup>285</sup>

Even for the security forces themselves, the anti-migration policies may actually lead to a backlash as they need bribes from smugglers to keep their forces running, as even the state anti-corruption agency HALCIA admits.<sup>286</sup> So, according to journalist Peter Tinti, 'curbing irregular migration through Niger might work against the long-term goals of development and stability in the Sahel.' He also warns that the 'Nigerien government might have no choice but to reallocate its already tight budget in order to adequately fund its restive security forces, thus diverting finances that could otherwise be used for health, education and economic development'.<sup>287</sup>

The cooperation with Niger is regularly promoted as a model of cooperation by the EU, but the consequences of pressuring the country into anti-migration action are far-reaching for forcibly displaced persons, the population of the Agadez region and the country's long-term internal stability. Thus the EU runs the risk of reaping exactly the opposite of what it is says it wants to achieve.



## 5.4 EGYPT: A DEAD-END FOR FORCIBLY DISPLACED PERSONS

Egypt has been a destination for forcibly displaced persons from various Arab Mashreq and some African countries, and is an important transit point in the Mediterranean region. Hence, for the EU it has become an increasingly important target country of its externalisation policies.<sup>288</sup> Germany has played a leading role in European efforts.

### HISTORY OF SECURITY COOPERATION

In July 2016, three years after the Egyptian pro-democracy revolution had been crushed, Germany and Egypt signed an agreement on security cooperation. Earlier negotiations were stopped by Germany in 2012, because of the internal situation in Egypt, but despite the Egyptian military's recapture of state power, by 2014 talks had resumed. Germany committed to train Egyptian police and provide equipment. This included training in document security for Egyptian border police in 2015 and 2016, the provision of document verification readers, and the appointment of a German liaison officer on border security at the German embassy in Cairo.<sup>289</sup>

The German government says there is no alternative to the agreement in order to fight serious crime and terrorism, because Egyptian security forces lack equipment and training. The then governing parties, CDU/CSU and SPD, acknowledged the poor human rights situation in Egypt, but said security cooperation is 'politically necessary and meets German security interests'. They also note that human rights concerns didn't stop earlier cooperation with countries such as Belarus, Ukraine and Saudi Arabia.<sup>290</sup> The cooperation has been heavily criticized by the Die Linke and Die Grünen political parties. Andrej Hunko, MP for Die Linke, said the German government was acting as an 'accessory to repression and strengthening state terror in Egypt'.<sup>291</sup>

The German government argues that cooperation can further human rights in Egypt, but there is little evidence of this as the human rights situation

continues to deteriorate. The German government also reports that no human rights violations have occurred in connection to the cooperation agreement. Yet, it was forced to cancel a planned course in research into terrorism online after an Egyptian crackdown on the LGBTQ+ community, for which the government used internet surveillance to persecute individuals.

Though the agreement is broad in its scope, border security is integral and named in the preamble.<sup>292</sup> Human smuggling is one of a long list of crimes covered by the agreement, to be supported with information exchange, training and provision of equipment. Article 4 specifically mentions that '[t]he Contracting Parties shall advance the necessary technical developments in order to incorporate biometric features into their travel documents.'

When in March 2017 the president of Germany's criminal investigation unit, Bundeskriminalamt (BKA) met with the Egyptian ambassador in Germany, they agreed the main emphasis of the security cooperation needed to be on terrorism and illegal migration.<sup>293</sup> The German Federal Police 'committed to 'intensify cooperation with Egyptian (border) police authorities through measures for training and equipment assistance in the area of border protection [...]'.<sup>294</sup> That same month, Chancellor Merkel visited Egypt and affirmed cooperation on migration, calling Egypt Europe's key southern Mediterranean guardian.<sup>295</sup>

Egypt's National Security Service (NSS) and the General Intelligence Service (GIS) are the key partner agencies for the agreement. This is despite the fact that the NSS functions as political police used against opposition and demonstrations, and is accused of numerous extrajudicial killings, disappearances, torture and other human rights violations. According to Wenzel Michalski of Human Rights Watch, the German government risks putting 'its agents next to Egyptian forces on the front line of repression'.<sup>296</sup>

This would have come as no surprise for the German government, which in November 2016 itself declared that there were 'numerous cases

of arbitrary arrest, detention without charge, and trials that do not meet the rule of law' and 'credible reports of torture and ill-treatment in police custody and of enforced disappearances.' It also stated concerns about violence, including the use of firearms, against refugees by Egyptian border guards at the border with Israel, Egypt's deportations to neighbouring countries, in particular Sudan, and the conditions in detention centres.<sup>297</sup> NGOs and international organisations, including UNHCR, have little or no access to these facilities and no access to detainees, and little is known about the conditions of many of these facilities.<sup>298</sup> Germany has also criticized Egypt's government for using a too broad definition of terrorism, allowing it, for example, to use anti-terrorism measures against demonstrations.<sup>299</sup>

Germany isn't the only EU member state providing training to Egyptian security forces. An account by an officer in the Public Security Department in Alexandria suggests prolific cooperation with EU member states: 'Last July I travelled to Rome to participate in training on how to use modern and technological tracking methods to monitor criminal acts, and to apply this to human smuggling networks as an example. Then in September I travelled to Northumberland, England for field training, and we were about 19 Egyptian officers there. I also had colleagues who travelled to Berlin in June to train in new methods of interrogation and modern tracking to counter the phenomenon. I am scheduled to travel early next year 2018 to England for 6 weeks, and my stay will be between London, Hampshire and Portsmouth where I will receive various training and courses'.<sup>300</sup>

According to a member of the Egyptian government's National Coordinating Committee on Preventing and Combating Illegal Migration (NCCPIM) '[t]here are different forms of cooperation between the Egyptian state and its partners to combat the phenomenon' of irregular migration, including security cooperation, which is done with the countries of the Euro-Mediterranean Sea, especially with Italy, because it is the most targeted country of illegal immigrants. According to a judicial adviser member of the NCCPIM there is also technical

cooperation with some countries, including France, the UK and Germany, to exchange experiences through training courses and other development projects.<sup>301</sup>

In April 2008, a readmission agreement between Italy and Egypt entered into force, under which Italy has sent back unauthorized persons, including many Egyptians, without any asylum screening.<sup>302</sup> In December 2009, Italy and Egypt signed a Memorandum of Understanding to contain irregular migration.<sup>303</sup>

In 2016, the EUTF granted €11.5 million funding for a project, *Enhancing the Response to Migration Challenges in Egypt*.<sup>304</sup> This broad project seeks to strengthen migration management by supporting Egyptian institutions dealing with migration, including the NCCPIM. In 2017, it received an additional €60 million, funding among other things exchange of 'best practices' between Egypt and EU member states in areas of institutional strengthening and capacity building. The project is managed by Spain and coordinated by the NCCPIM in Egypt.<sup>305</sup>

In a discussion paper, the EEAS notes that 'Egyptian authorities are keen to be recognised by the international community as providers of national and regional stability, capable of controlling their borders'. For this they expect more financial support from the EU.<sup>306</sup> According to Marie Martin of the Euro-Mediterranean Network for Human Rights, Egypt uses its role in EU migration management as way to gain funding and international legitimacy.<sup>307</sup>

## SITUATION FOR REFUGEES IN EGYPT

There are no official figures on numbers of forcibly displaced persons in Egypt, but journalists, researchers and human rights organisations have estimated that there could be several million undocumented foreign nationals in Egypt. Egyptian President Abdel Fatah Al-Sisi has claimed that Egypt hosts 5 million refugees.<sup>308</sup> Before the Syrian crisis, most asylum seekers in Egypt originated from African countries, including Sudan, Somalia, Ethiopia and Eritrea as well as Iraq and Yemen. Syrians and Palestinians have become more numerous in recent years.

There have been several instances of violence against refugees on boats by the Egyptian coast guard and navy. In September 2013, two people on a boat to Italy were killed when the coast guard shot at them.<sup>309</sup> And in August 2015, the navy killed an eight-year-old Syrian girl, firing at a boat leaving for Europe.<sup>310</sup> Even more worrisome is the situation at its land borders, where African forcibly displaced persons are regularly shot at, leading to dozens of deaths. In November 2015, in three separate incidents at the border with Israel, 21 Sudanese were killed by Egyptian security forces.<sup>311</sup>

In September 2016, a boat with people mostly from Eritrea, Sudan and Somalia sank off the coast of the town Rashid. Over 200 people died. Both the refugees themselves and people from Rashid stated that the state failed to respond to the emergency, despite being informed. Most rescue work was done by local fishermen, while the coast guard initially wouldn't let them leave. The police said it wasn't their responsibility to come to the rescue, but it did arrest and detain the survivors of the tragedy.<sup>312</sup>

For Syrian refugees, the situation has deteriorated since al-Sisi took power. In July 2013, the government announced that Syrians from then on would need a visa and a security clearance before being allowed into Egypt after a few Syrians were accused of participating in protests in the country. Approximately 476 Syrians were deported or denied access to Egyptian territory. That month, the UNHCR said it was 'concerned that Egyptian military and security personnel have been arbitrarily arresting and detaining an increasing number of Syrians, including several minors and people registered with UNHCR, amid growing anti-Syrian sentiment.'<sup>313</sup> Given this crackdown, many Syrian refugees in Egypt are keen to travel on to Europe. However, pressure from the EU has led the Egyptian government to increase border security at sea. Syrian refugees are left between a rock and hard place.<sup>314</sup>

According to several Egyptian sources, however, the army has been inconsistent in its closing of sea borders. While controls are strict at the time of writing, they have been lax before and may loosen again.<sup>315</sup>

Some forcibly displaced persons who came to Egypt used smugglers to travel on to Libya, but the ongoing violence has led them to return to Egypt. This has led to a situation where many migrants get stuck in Egypt, as the report by Egyptian journalist Sofian Philip Naceur shows (see Box 3).

## EGYPT EMBRACES ROLE TO CONTROL IRREGULAR MIGRATION

In March 2014, the Egyptian government established the National Coordinating Committee on Preventing and Combating Illegal Migration (NCCPIM), 'to lead governmental efforts to prevent and combat illegal migration in Egypt as a country of origin, transit and destination'.<sup>316</sup> Or, as a member of the NCCPIM said: 'Our main task is to help the State to provide practical and radical solutions to the crisis of illegal immigration.'<sup>317</sup>

The tasks of the NCCPIM included the drawing up of a national migration law and a long-term national strategy. In 2016, it issued Law 82 on 'Law on Combating Illegal Migration & Smuggling of Migrants', passed by parliament later that year.<sup>318</sup> In 2016 the NCCPIM also released the National Strategy for Combating Illegal Migration (2016-2026), with the goal of 'becoming a leading country in combating illegal migration'. It presents Egypt as a leader in the region that wants to organise 'capacity building training courses and workshops for Arab and African cadres working in the field of combating illegal migration' and provide 'technical support required for formulating laws and developing anti-illegal migration strategies.'<sup>319</sup>

The NCCPIM cooperates with the IOM and is actively involved in the Khartoum process. In cooperation with the Police Academy in Cairo, and with the support of instructors from the United States and several EU countries, it conducted workshops on migration policy for government officials from eight countries in East Africa in 2016, including Eritrea and South Sudan.<sup>320</sup>

Migrants entering Egypt irregularly are frequently arrested and put into administrative detention without court involvement. Egypt does not operate detention places specifically for migrants, so ends

up using prisons, police stations and military camps, according to the Egyptian Initiative for Personal Rights (EIPR).

In late 2013, a coalition of Egyptians NGOs documented the situation for several hundred Syrian refugees arrested and arbitrarily detained in Alexandria from August to October 2013. They were held in crowded detention facilities that lacked minimum health standards. Poor sanitary conditions led to skin diseases and respiratory and gastrointestinal illnesses among detainees.<sup>321</sup>

Forcibly displaced women in particular have faced high levels of sexual and domestic violence, with little hope of protection by the government. 'Egyptian women victimised by sexual violence are afforded very little understanding and compassion and are socially shamed instead. This is worse in the case of refugees, who are seen as troublemakers

by the Egyptian society,' according to Salma Sakr, a sexual and gender based violence (SGBV) case officer at an NGO in Egypt.<sup>322</sup>

Before 2017, Egyptian detention facilities (mostly police stations) in coastal provinces (Alexandria, Damietta, Kafr El-Sheikh) were heavily overcrowded due to hundreds of detained forcibly displaced persons. Living conditions were terrible, with medical treatment and food only available due to the support of external NGOs and aid workers with limited access to those facilities. The situation completely changed however in 2017 as most forcibly displaced persons left the coastal area, due to the de facto closure of Egypt's sea border by the navy, and many either looked for other migration routes or tried for example to settle in Cairo. As a result, the number of detained migrants decreased dramatically.<sup>323</sup>



*Migrant workers fleeing Libya to Egypt in March 2011.*

## BOX 3: Egypt – A dead end for refugees and migrants

By Sofian Philip Naceur

6th of October City, a spacious and remote satellite city in the outskirts of Egypt's capital Cairo, is not only home to private universities, shopping malls, and gated communities for Egypt's middle and upper class, but also to a growing number of refugees, asylum seekers and migrants. Located 35 kilometres west of central Cairo, 6th of October usually attracts residents who seek to escape the city's heavy pollution and who are able to afford higher prices and a car as the district is badly connected to Greater Cairo's road and public transportation network.

But in recent years, more and more African and Arab nationals settled here instead of those neighborhoods already known for their migrant communities from Sudan, Ethiopia, Somalia or Iraq. While densely populated and informal districts like Ard El-Lewa, Maadi or Faisal are far cheaper than 6th of October, the satellite city is better able to absorb new residents.

When the Egyptian coast guards closed down the country's Mediterranean coast as an embarkment area for irregular migrants in late 2016, many of those who do not want to risk the journey to Europe via neighboring Libya, have been forced to stay in Greater Cairo.

Since the mid 2000s, 6th of October has also hosted the main office of the UN Refugee Agency UNHCR, the only place in Egypt that offers refugees and asylum seekers a way out of the constant fear of arrest, detention and precarious uncertainty. Until today, applying for resettlement with UNHCR is – with very few exceptions – the only legal way for refugees and asylum seekers to leave the country. Egyptian authorities meanwhile do not accept asylum claims despite their obligations under the 1951 Geneva Convention and its 1967 Protocol, which were signed and ratified by Egypt.

'We gave this authority to UNHCR', says Naela Gabr, the head of the National Coordinating Committee on Preventing and Combating Illegal Migration (NCCPIM), an inter-ministerial body spearheading

the government's campaign against irregular migration. She persistently refuses to acknowledge that Egypt is violating the Geneva Convention and highlights instead Egypt's need for more EU funding to tackle irregular migration.

### Understaffed and underfunded

The local branch of UNHCR, however, has an ambivalent reputation, especially in migrant communities. 'They are not responsive at all. If you need urgent help, you have to wait for your appointment, even if it is scheduled a year later', says a Sudanese national who already gave up on his quest for resettlement years ago. The Egypt branch of UNHCR struggles as it is chronically understaffed and underfunded and therefore only able to manage and divert asylum claims and assistance rather than provide support for everyone in need. Despite the EU's intensified migration-related cooperation with Egypt, the UNHCR's funding gap remains in place.

The waiting time for registration is long and for Refugee Status Determination (RSD) interviews even longer. Today, waiting periods for an RSD appointment for non-Syrian asylum seekers is up to 18 months, while only a few fast-tracked applicants can hope for immediate processing. Aid resources and other temporary support provided by UNHCR or its partner organisations are limited and therefore only granted to some people in urgent need of financial or other assistance for housing, health care or education.

The result of those chronic insufficiencies is a rigid selective system, creating massive frustration for refugees and asylum seekers but also for the agency's staff. 'We cannot resettle everyone who is actually eligible, we even have to delay some cases of hardship for years as we are dependent on resettlement quotas by other governments', says a former employee. Additionally, 'some governments only accept resettlement for Christians, others only take Syrians. We can only manage this, our hands are tied', he explains.

In September 2017, UNHCR called for '40,000 additional resettlement places to be made available for refugees located in 15 priority countries along the Central Mediterranean route.' In 2016, resettlement by other countries was offered to only six per cent of all the refugees in need based in these 15 countries.

Unsurprisingly, refugees and asylum seekers often criticize the UNHCR as even people in urgent need for support receive nothing. Numerous NGOs, associations or churches offer assistance for refugees, asylum seekers or migrants in distress, but they often face the same obstacle of not being able to provide support for everyone in dire straits.

In the context of the EU's migration-related cooperation, countries like Germany, Italy and the UK are allocating more funding to governmental development agencies like the German GIZ to improve livelihood conditions of refugees and migrants, create job opportunities and support Egyptian host communities. But nothing has changed so far as most of these projects have not yet materialised. It also remains questionable if they will be able to improve the living conditions while Egypt does not tackle key issues such as granting work and residency permits for migrants and refugees.

### **Precarious uncertainty and the fear of Egypt's police**

As of September 2017, a total of 211,104 refugees or asylum seekers were registered with UNHCR in Egypt including 123,033 Syrians, 35,227 Sudanese and 14,009 Ethiopians. Usually, Syrians get quickly registered with the UN and in contrary to many African nationals, many have the prospect of being resettled sooner rather than later.

Even so, Syrians also face uncertainty, a constant fear of arrest and exploitation in the labor market. A Syrian family based in Cairo since 2015 recounts how they travelled to Egypt and why they are afraid to come even close to any police checkpoint.

As Egypt abandoned visa-free entry for Syrians in 2013, Mohamed's family flew to Sudan before being

smuggled into Egypt. 'After crossing the border, a truck picked us up and brought us to Aswan', he says. But they were intercepted, arrested and detained in a police station for two weeks. 'They gave us a visa for three months, but a police officer made a note in our passports, stating that this visa should not be renewed.' And this barely readable hand-written note caused them trouble until today.

After receiving their Yellow Cards from UNHCR, a document that identifies them as registered with the UN, they applied for new visas. But the authorities refused due to the note in their passports. 'A police officer even made a similar note on our Yellow Cards', he recounts.

Although the Yellow Card is considered an official document only to be edited by the UN, several similar cases were reported in 2016. As the Egyptian police is known for arbitrary arrests, Mohamed's family is concerned they might face deportation if the police does not recognize their Yellow Card during a control check. As a result, Mohamed's family barely leaves their neighbourhood – for good reasons.

Refugees or asylum seekers registered with UNHCR that are arrested are usually released after two weeks behind bars and an interrogation. Detained migrants without any UNHCR affiliation, however, can remain detained indefinitely if they refuse to agree to a voluntary return to their home country. And if they agree to voluntary return, they still need to be able to pay for their flight.

Moreover, corruption and bribery remains widespread in Egypt's civil administration as well as in the security forces. The Egyptian police and the border guards are known for accepting cash in return for speeding up procedures or letting things pass, a reality that has facilitated the trafficking and smuggling business in Egypt's north coast for years. Consequently, security cooperation and police trainings for Egypt's Ministry of Interior and the domestic intelligence agency National Security by Germany and Italy are limited in their effectiveness given the lack of political will for a comprehensive reform of security institutions and procedures.

## 5.5 SUDAN: STRENGTHENING A DICTATORSHIP

One of the most controversial parts of the EU's Partnership Framework programme is the inclusion of outright dictatorships as potential partner countries. Sudan and Eritrea are included in the sixteen priority countries with which the EU has started High-Level Dialogues.<sup>324</sup> Both states were already involved in the Khartoum Process, launched in November 2014.

Cooperation with Eritrea is still limited but is more extensive with Sudan. Omar al-Bashir has ruled Sudan with repression and violence since he led a military coup in 1989. The regime has been accused of genocide and war crimes, mostly perpetrated by an armed militia, known as the Janjaweed. The International Criminal Court has issued two arrest warrants against al-Bashir. While the EU has sanctions in force against Sudan, including an arms embargo, it has also sought to improve relations with the country in a bid to have it play a bigger role in stopping refugees on their way to Europe.<sup>325</sup> Sudan is an important transit country for forcibly displaced persons, mainly from Eritrea and South Sudan, who try to travel on to Libya or Egypt to attempt to cross the Mediterranean.<sup>326</sup> It is also both a country of origin for refugees and of destination for others.

In April 2016, Neven Mimica, Commissioner for International Cooperation and Development, visited Sudan and declared: 'The EU and Sudan have a unique opportunity to move its sometimes complicated relationship forward. Sudan is now at the forefront to fight irregular migration and human trafficking and smuggling in Sudan and the Horn of Africa.'<sup>327</sup> During this visit, Mimica discussed the Better Migration Management (BMM) programme, financed with €40 million from the EUTF. It supports the governments of the Khartoum Process, including the dictatorships of Sudan and Eritrea, with training, technical assistance and provision of equipment for migration and border management.<sup>328</sup> The project uses 60% of its funding to strengthen all border security authorities, including supplying tools and equipment to border posts. The German

Gesellschaft für Internationale Zusammenarbeit (GIZ) implements the project, emphasizing that '[a]ll country stakeholders in migration management and efforts to combat human trafficking and migrant smuggling will be involved.'<sup>329</sup>

In the case of Sudan, this raises many alarm bells. Sudan's borders are patrolled primarily by the Rapid Support Forces (RSF). The RSF consists of former Janjaweed militia fighters and has been used to fight internal dissent, ranging from peaceful demonstrators to insurgents in Darfur. The RSF has been under the operational command of Sudan's National Intelligence and Security Services (NISS). Under a 2017 law, it has been integrated into the armed forces, but maintains autonomy and answers directly to president Al-Bashir.<sup>330</sup>

Human Rights Watch has 'found that the RSF committed a wide range of horrific abuses, including the forced displacement of entire communities; the destruction of wells, food stores and other infrastructure necessary for sustaining life in a harsh desert environment; and the plunder of the collective wealth of families, such as livestock. Among the most egregious abuses against civilians were torture, extrajudicial killings and mass rapes.'<sup>331</sup> In July 2014 the Dutch Government wrote: 'The resurgence of violence has to do with various factors such as the increased activity of government forces and the Rapid Support Forces (RSF), with consequences including new flows of displaced persons'.<sup>332</sup>

As part of the BMM project, the Sudanese Ministry of Interior submitted a list of requirements, including training for border police officers, equipment (computers, cameras, scanners, servers, cars and aircraft) for 17 border crossing points and equipment and personnel for a regional training centre in Khartoum. Save for the aircraft, the EU considered all this to be possible and fundable parts of BMM.<sup>333</sup>

The European Commission denies any funding or equipment would go the RSF, yet even before the project started it had already noted that one of the main risks was diversion of equipment it provides for internal repression.<sup>334</sup> The Sudanese

government has been open about its intention to use equipment and technology, delivered and/or funded by the EU, for internal purposes as well.<sup>335</sup> The Commission may base policy on unfounded hopes, but its lack of faith in its rhetoric is perhaps better demonstrated by the way it has tried to keep plans secret to fend off criticism. When the plans were discussed in the Permanent Representatives Committee of the EU, the ambassadors of the 28 member states had to agree to secrecy. The European Commission warned that “under no circumstances” should the public learn what was said.<sup>336</sup>

GIZ says it is aware of the risks of cooperation with police and security forces in Sudan, but nevertheless considers it ‘necessary’ to include them in capacity development measures.<sup>337</sup> The commander of the RSF, General Mohamed Hamdan Dalgo (also known as Hemeti), has spoken out publicly on several occasions about the work the RSF does in combatting migration ‘on behalf of Europe’, by arresting migrants and smugglers. He has demanded more EU funding and also called for the lifting of economic sanctions against Sudan, threatening to open the borders with Libya if those demands weren’t met. His calls have been echoed by other Sudanese officials in high government and military positions.<sup>338</sup>

NGOs and other private organisations active in Sudan have to deal with severe government control. Al-Bashir has a history of expelling NGOs critical of his regime. Any EU funding channeled through NGOs is therefore subject to government control, including hiring decisions for carrying out BMM activities.<sup>339</sup>

There are no clear and convincing guarantees that EU funding and equipment for Sudanese border security will not end up with the RSF. Even if there were, the funds still end up supporting a dictatorial regime, and strengthen its capacities for both internal repression and a crackdown on refugees.<sup>340</sup> From the moment EU announced increased cooperation with Sudan on migration, forcibly displaced persons have suffered the consequences. On one day in May 2016, hundreds of Eritrean migrants were arrested and deported to

Eritrea.<sup>341</sup> And in February 2017 a peaceful protest by Ethiopian refugees was met with police violence. Dozens of refugees were deported and punished with whippings and fines.<sup>342</sup>

In addition to EU-led cooperation, Germany, the UK and Italy have also supported Sudanese police to counter migration.<sup>343</sup> In October 2016, a Sudanese delegation visited Berlin, discussing possible technical, logistical and training support to Sudan’s police.<sup>344</sup> Meanwhile, the UK has started a ‘Strategic Dialogue’ with Sudan, with migration high on the agenda, abandoning overt criticism of Sudanese policies and human rights violations in favor of cooperation.<sup>345</sup>

In August 2016, Italy deported 48 Sudanese forcibly displaced persons to Sudan, with support by Frontex<sup>346</sup>. This came a few weeks after the signing of a Memorandum of Understanding (MoU) between the two countries – signed without parliamentary oversight. The MoU most strikingly outsources identification procedures to Sudanese police officers, who have to determine, on the basis of a sole interview, whether a refugee in Italy is actually Sudanese. In that case, ‘without undertaking any further checks as to their identity’, Sudan has to issue a *laissez-passer* to enable the deportation. This procedure could also take place in Sudan itself, so after the actual deportation flight.<sup>347</sup> Five of the persons deported in August 2016 have appealed to the European Court for Human Rights, because of its violation of the non-refoulement principle.<sup>348</sup>

Then Italian Foreign Minister Gentiloni said in 2016 that Italy wants to work closer with Sudan against irregular migration and ‘[i]n this context [...] would also work on better relations between Sudan and the international community.<sup>349</sup> This position fulfils Al-Bashir’s hopes to use its position as a border security outpost for Europe as a way to reintegrate into the international community. The European Commission itself warned, in a classified memo to EU ambassadors, that Sudan is primarily interested in using cooperation on migration for this purpose.<sup>350</sup> While, again saying the EU should be wary of the ‘high reputational risk’, the Commission nevertheless proposes ‘positive incentives’ to get Sudan to cooperate on migration,



including advocating with the US to remove Sudan from the list of states sponsoring terrorism and easing US economic sanctions through increased EU trade with the country. Member States are urged to follow the same line on Sudan.<sup>351</sup>

As a result, EU support to Sudan legitimises and strengthens the dictatorship.<sup>352</sup> And it undermines development efforts, by channeling money from broader development funds towards preventing migration. Tuesday Reitano of the Global Initiative against Transnational Organized Crime and senior research consultant for the Institute for Security Studies, points out that ‘the greatest threat to migrants in the region comes not from the smugglers, but from the border-control efforts of states themselves, and persecution by authoritarian regimes’ and that ‘the [Khartoum] process is likely to exacerbate the root causes of irregular migration.’<sup>353</sup>

## STRENGTHENING REPRESSIVE REGIMES FOR ‘STABILITY’

Sudan is the most prominent example but there are many authoritarian regimes the EU cooperates with on migration, such as Chad, Belarus and Egypt, as can be seen in the table in Chapter 3. In Chad the EU runs the project *Support for training and public security*, funded with €10 million from the EUTF. The objective is to strengthen the capacities of the security forces, including for border security and control, through training.<sup>354</sup> It is implemented by Swiss NGO **Coginta**, that runs many training and consultancy projects in the field of police and security in Africa.<sup>355</sup> Chad also profits from several EU(-funded) projects for the G5 Sahel security cooperation (with Burkina Faso, Mali, Niger and Mauritania), such as the €41.6 million EUTF-project *GAR-SI SAHEL (Rapid Action Groups – Monitoring and Intervention in the Sahel)*. This project, implemented by a Spain-led consortium with Portugal, Italy and France, aims to strengthen the capacities of the targeted countries’ security forces to control their borders and territories.<sup>356</sup>

Chad has been governed since 1992 by the authoritarian, corrupt regime of President Idriss Deby. Opposition to the regime that keeps people in poverty is growing but faces severe repression.<sup>357</sup>

In 2017, Amnesty International reported that ‘[s]ecurity forces and intelligence agency are overseeing a brutal crackdown which has made criticism of government increasingly dangerous over the past two years.’<sup>358</sup> It noted that many peaceful protests were banned and when ‘unauthorized protests have gone ahead, Chadian security forces have acted to break them up, sometimes using excessive and occasionally deadly force.’<sup>359</sup>

The EU itself agrees that the security forces in Chad are ‘steeped in a strong militaristic culture, focused on protecting the state and country more than its peoples’, yet still defends building the capacity of its security forces. It even notes the increasing internal tensions that have resulted from rising military spending at a time of public austerity, yet keeps on providing security forces with equipment and resources.<sup>360</sup>

It seems again that the EU is prepared to sacrifice all its principles when it comes to migration control. For the EU, Chad is an important strategic partner in the war against migration, because it is a relatively stable country in the tumultuous Sahel region yet also a transit country for refugees, mainly from the Central African Republic.

## 5.6 MAURITANIA: SPAIN TRIALS EARLY EU BORDER EXTERNALISATION POLICIES

Early on, Mauritania was a focal point of EU border externalisation policies.<sup>361</sup> From 2006 to 2008 more than 50,000 refugees tried to cross from Mauritania to the Canary Islands, a Spanish overseas territory and as such a gateway to Europe for migration from Western Africa.<sup>362</sup> When it became increasingly difficult for migrants to cross from Morocco to Spain, or to enter Ceuta and Melilla, this significantly more dangerous route emerged.<sup>363</sup> Spain took the lead in Europe’s response. It concluded bilateral agreements with Mauritania, and with neighbouring countries such as Senegal and Cape Verde, and provided them with surveillance equipment for maritime patrols.<sup>364</sup> Spain gave four patrol ships to Senegal, with the running costs covered by EU funding.<sup>365</sup>

Frontex started the, still ongoing, Operation Hera in 2006. In a move similar to recent attempts to move EU ships into Libyan waters, Spanish and EU patrol ships, with liaison officers from the country concerned on board, were granted access to the territorial waters of Senegal, Cape Verde and Mauritania. They also trained the coast guards of these countries. By intercepting migrant boats in the country's own territorial waters, the passengers could be returned immediately and the EU could avoid any legal responsibilities for them.<sup>366</sup>

The EU also built and funded a detention center in Nouadhibou in Mauritania, opened in cooperation with the Spanish Agency for International Development Cooperation.<sup>367</sup> This centre was strongly criticised because of its poor conditions, including beatings by police and no access to medical care. According to Amnesty International the centre was 'not governed by any legal framework and [...] not subject to any judicial control'.<sup>368</sup>

In 2012 the West Sahel project, with €2 million funding from the EU, was launched. This involved training of the Mauritanian police, including dog handlers, joint patrols with the Spanish Guardia Civil and providing new monitoring equipment.<sup>369</sup> The EU also funded other projects in Mauritania, including training, equipping border posts and providing passport control systems for airports, with

millions of euros from various funding instruments, including the European Development Fund and the Instrument for Stability.<sup>370</sup>

Since 2014, there has been a new rise of forcibly displaced persons trying to travel from Mauritania to the Canary Islands. Though the 874 arrivals in 2015 are still far behind the 32,000 in 2006, shifts in migration routes led authorities on the Canary Islands to take what they called 'preventive measures'.<sup>371</sup> In May 2014, another project with €0.5 million EU funding, the *West Sahel-Mauritania Borders* project, was launched to strengthen the border surveillance systems of Mauritania, Senegal and Mali.<sup>372</sup> Mauritania is also one of the member countries of the G5 project *Support for regional cooperation* with Burkina Faso, Chad, Mali and Niger. This project received €7 million funding from the EUTF to strengthen security cooperation, including on border management between these countries.<sup>373</sup> Another €7 million from the EUTF goes to 'local communities to strengthen border management' because of 'the low presence of the security forces at the border'. It aims, amongst other things, to strengthen relations between security forces and local communities and encourage legal border crossings. The project is also supported by the IOM and plans to build new border posts on the border with Mali and provide patrol vehicles and training of border police.<sup>374</sup>



Mauritanian refugees in Senegal on hunger strike demanding recognition of their rights

## BOX 4: European hypocrisy creating drivers for migration

An in-depth overview and analysis of the trade and other economic relations between the EU and the highlighted African countries falls outside the boundaries of this report. However, several case studies have shown how EU border externalisation undermines African economies and economic development, from complicating traditional seasonal labour migration between African countries to undermining the migration-based business in the Agadez region in Niger.

In Mauritania, the EU's rhetoric is about providing development-based alternatives to migration, but its 1987 fisheries agreement has the opposite effect of depriving local fishermen of work. Large European fishing companies empty the seas of fish, taking the livelihood away from native fishermen.

Researcher Hassan Ould Moctar summarises: 'On the one hand, the EU has succeeded in exporting 'migration' as a policy issue to Mauritania. In treating Mauritania as 'a transit country' from 2006, the EU ensured that all of the restrictive and preventative measures that this classification is seen to necessitate have been firmly embedded in Mauritanian policy considerations. On the

other hand, since 1987, EU-Mauritania fisheries agreements have granted European national fleets privileged access to Mauritanian waters. These agreements often have devastating consequences for local artisanal fishermen whose fishing canoes have been no match for the large industrial trawlers.<sup>375</sup> According to Greenpeace, the impact of European overfishing 'on local communities is huge. With less and less fish, local fishermen are forced to make dangerous journeys further away, some simply give up and move away. Trawlers trash traditional fishing gears, which the locals can't afford to replace. Whilst nominal deals may have been done with governments, it is local communities and Africa's seas that pay the price.'<sup>376</sup>

Ould Moctar also notes that a large part of the fisheries sector in Mauritania is made up of immigrants, mostly Senegalese, and that it 'is indicative of how far removed the EU's representation of migration (as an existential threat to be limited and restricted) is from the role that it has played in the Mauritanian context.'<sup>377</sup> Taking away their livelihood has driven a substantial number of Senegalese fishermen into migration, some of them trying to go to Europe.



## 5.7 MALI: MIGRATION CONTROL AMIDST WAR

In October 2008, a Centre for Migration opened in Bamako, the capital of Mali, funded by the EU with €10 million from the European Development Fund. The EU called it 'a pilot project that is to be copied in other West African countries.'<sup>378</sup> The centre was criticized by NGOs, which understandably feared the emphasis would be on preventing irregular migration.<sup>379</sup>

In 2012, a civil war in Northern Mali led to French military intervention, followed by an UN mission (MINUSMA). Despite a ceasefire agreement in 2015, fighting continues. Amnesty International reported in 2017 that '[s]ecurity forces and UN peacekeepers used excessive force and were accused of extrajudicial executions.'<sup>380</sup> Women and girls face gender-based violence, including rape, from both security forces and armed militias.<sup>381</sup>

This has not stopped the EU adopting in 2016 the *Programme of support for enhanced security in the Mopti and Gao regions and for the management of border areas (PARSEC Mopti-Gao)*, with €29 million from the EUTF. The project will run from 2017 to 2020, and focuses on support to the Malian security forces, including their interoperability with the armed forces, and the installment of a border management system.<sup>382</sup> €6.5 million is given for border control equipment (non-lethal security equipment, building renovations, transmission, control and recording equipment at the borders, equipment for land and water patrols, registration equipment).<sup>383</sup>

PARSEC is being implemented by **Expertise France**, a French development agency for international technical expertise and cooperation. Expertise France is also involved in the controversial Better Migration Management project in the Horn of Africa. The project is also supported by the EUTM Mali and the EUCAP Sahel-Mali missions, which have integrated 'border security' into their mission objectives. In addition, MINUSMA, French and German military, as well as the German police have all been involved in training for border control at the National Police Academy in Bamako.<sup>384</sup>

German and French military have also set up a training center in Bamako for border officials from the G5 Sahel (Mali, Mauritania, Niger, Chad and Burkina Faso) who will be formed into the new 'Force Conjointe'. This force seeks to stop migration, in particular migration to Libya, and is partially funded by the European Commission, with €50 million from the African Peace Facility. Belgium, Luxembourg, the Netherlands, Italy, Slovenia, Austria, Spain, Denmark and the Czech Republic also plan to support the new force with training and equipment.<sup>385</sup>

Mali is both a country of origin and of transit for migration to Europe.<sup>386</sup> Remittances by migrants are important for the Malian economy (around 10% of GDP). The European Commission and EEAS admitted in early 2016 that '[v]iews and interests on migration between the EU and Mali do not coincide' and noted Mali's opposition to readmission agreements.<sup>387</sup> However, it has accepted deported migrants from France and Sweden, travelling on a EU laissez-passer and in November 2016 a group of Malian migrants in Germany was led before a Malian delegation for identification. Part of this group was immediately taken to a detention center afterwards.

Mali has also cooperated with Europe on border management and the use of biometric passports. Increased border security within Mali has led to more police corruption, with vastly increasing 'fees' for migrants to pass police controls. It also undermines the principle of free movement between ECOWAS members Mali and Niger, another hotspot for EU border externalisation.<sup>388</sup>



Malian internally displaced woman shows her passport in Mopti camp, Mali, 2008

A blurry, grayscale photograph of a person walking on a sidewalk. The person is out of focus, and the background shows utility poles and wires. A small white square with the number '1' is on the ground.

1

# COMPANIES AND INSTITUTIONS THAT PROFIT



*“Throughout the development of Europe’s security agenda, there has been a consistent pattern of democracy playing catch-up to money, corporate influence and a belief that we can never have too much high-tech ‘security’.”*

– Chris Jones, Statewatch/TNI 2018

Though the EU is working on gradually changing policy, under existing instruments it can't finance (lethal) military equipment for third states from EU funds. Security and police equipment, including vehicles, surveillance and (biometric) identification equipment, can still be donated or financed, as will be discussed in this chapter.

However, for many EU member states no such limitations exist. Hence, a lot of border security measures are carried out and financed through bilateral cooperation between EU countries and third countries, sometimes supported and/or facilitated by the EU. Much of this is channeled bilaterally between countries with a 'long bond' (read: formerly colonised countries and their colonisers)

or by member states that are the landing point for many refugees arriving in Europe. The close cooperation between Italy and Libya (see chapter 5.2 on Libya) is a good example of this, as well as that of Spain with Mauritania and with Morocco. Germany, however, is very active on supporting border security in African countries in general.

### **BOX 5: Germany: leading border militarisation efforts**

In recent years, the German government has stood out as one of the few EU governments with a more welcoming approach to refugees. Alone in Europe, Germany accepted around 900,000 asylum seekers since 2015. The role Germany plays in EU border externalisation, though, is in sharp contrast to its public image. There's no EU country more active than Germany in boosting and militarising border security in third countries. It pushes for military and security cooperation to stop migration, and it provides military and security equipment to a long list of African, Middle Eastern and non-EU European nations. Chancellor Angela Merkel also argues for more arms transfers to African nations as part of development aid, because 'only where security is ensured can development take place'.<sup>389</sup>

Germany's assistance for security projects in Africa dates from long before 2015.<sup>390</sup> Since 2008 state development cooperation agency GIZ has implemented, on behalf of the Germany Federal Foreign Office, the 'Police Programme Africa' in Niger, Nigeria, Cameroon, Côte d'Ivoire, the Democratic Republic of Congo, Chad, Mauritania and South Sudan.

The program, which aims to develop and strengthen police structures in sub-Saharan African and Sahel countries, includes the provision of equipment and training of police officers.<sup>391</sup> In 2016 the German government summed up the equipment and services provided to:

**MAURITANIA:** construction of three border posts, equipment for nine police stations, nine passport and fingerprint scanners, training of 102 border police officers, funding of six coaches to develop a national training strategy focused on border security;

**NIGER:** construction of nine police stations on the border with Nigeria (including equipment), nine vehicles and twelve motorcycles, training module for border security, equipment for the police forensic laboratory;

**CHAD:** construction of a border post on the border with Cameroon, equipment and training planned;

**NIGERIA:** two vehicles for the Nigeria Immigration Service.



The German government refuses to disclose which German companies were contracted for this programme and EUTF projects.<sup>392</sup>

Tunisia is another recipient of German assistance receiving tens of millions of euros, and donated or funded equipment and training, including radars, night vision equipment and vehicles. Together with the US government, Germany is helping Tunisia develop an electronic border surveillance system – with the work carried out by the American Defense Threat Reduction Agency. The Bundespolizei trains Tunisian border guards, for example in the detection of forged documents and they also carry out joint measures in border control and maritime security.<sup>393</sup>

Other countries that received border security equipment donations from Germany include European (even EU) countries, such as Croatia (registration equipment), Bosnia & Herzegovina (document readers and cameras) and Macedonia (SUVs), as well as some in the Middle East, such as Lebanon ('technical equipment').<sup>349</sup>

Together with Luxembourg and the United States, Germany supported an OSCE-project to strengthen border guard capacities in Turkmenistan, which included training courses

and the donation of non-lethal paramilitary equipment and outfits.<sup>395</sup>

In 2011, Germany donated two jeeps and computer and office equipment to the border police and immigration department in Gambia.<sup>396</sup> Since 2012, it has supported Nigeria with military equipment through the German Technical Advisory Group Agreement. This includes material for border security, such as surveillance equipment and ground radar systems.<sup>397</sup> And in July 2017 Germany donated communication and maritime surveillance equipment to Benin, in the context of the ECOWAS Integrated Maritime Strategy for Zone E.<sup>398</sup>

Germany also donates military equipment for armed forces. In recent years, it provided both Cameroon and Nigeria with military goods, including vehicles and surveillance equipment for the fight against Boko Haram.<sup>399</sup> In October 2016, on an African tour, Merkel pledged €10 million for communications equipment and vehicles for Niger's army to strengthen its border security capacities.<sup>400</sup> German Defence Minister Ursula von der Leyen subsequently handed over 100 flat-bed military trucks, 115 motorcycles and 55 satellite phones for use by army and police.<sup>401</sup>

## 6.1 LOBBYING FOR BORDER MILITARISATION AND EXTERNALISATION

Recent research by Chris Jones (Statewatch), Bram Vranken (Vredesactie) and Martin Lemberg-Pedersen (then University of Copenhagen) confirmed earlier findings that the military and security industry has had an influential position in shaping EU military and security policies.<sup>402</sup> It has been particularly successful in pushing border and migration policies towards a discourse of securitisation and militarisation. Large companies and lobby organisations, in

particular the European Organisation for Security (EOS) and the AeroSpace and Defence Industries Association of Europe (ASD), through lobbying, regular interactions with EU's border institutions and through its shaping of research policy have helped create a playing field and a policy framework that is very beneficial for themselves. The result has been a flourishing border security market, consisting of a mix of traditional military equipment (such as helicopters, ships, vehicles) and 'new' technologies, including drones, surveillance tools, biometrics, information (exchange) technology and physical barriers.<sup>403</sup>

Most industry lobby efforts concentrate on the general direction of border security policies and large EU projects such as EUROSUR and the expansion of Frontex into a European Border and Coast Guard. However in several lobby papers, EOS mentions the need for cooperation and coordination with non-EU countries, in terms of policy, technology and data exchange.<sup>404</sup> The EOS even goes so far as to identify ‘irregular migration’ as a ‘criminal risk [...] to European interests and citizens’, where ‘[s]upport to third countries (e.g. African) will [...] be needed to better control their borders.’ Not surprisingly, it presents ‘European technology, from the civilian and the defence sectors’ as the solution.<sup>405</sup> EOS is also clear about the objective: ‘further stimulating the growth of the EU security industry’.<sup>406</sup>

In 2016, ASD proposed ‘an increase of funding for security-related activities in the EU’s neighborhood’, including ‘the procurement of both equipment and services, depending on the capability needs.’ It says it is ‘fully aware of the political sensitivity of such support’, but nevertheless it ‘believe[s] that it is important for the EU to have the possibility to do so if it wants to become a credible and effective security provider.’

To make this possible ASD proposes to adapt the Instrument contributing to Security and Peace (IcSP), an EU fund for peace-building and crisis response in partner countries, as it is already focused on security to allow for supply of security equipment. It doesn’t mention that the IcSP was primarily meant for peace-building and conflict prevention. Instead it argues that the IcSP should get a new provision to allow the supply of non-lethal security equipment and services ‘to strengthen the capabilities of both military and non-military security forces’ to work on ‘border control’ and ‘counter-terrorism’. And, of course, the European military and security industry is promoted as the ‘natural partner’ in this process. ASD wants the EU to set up a platform with industry to ‘identify solutions for third countries operational needs.’

ASD also suggests using the European Neighborhood Instrument (ENI) and the Instrument for Pre-Accession for the longer-term development of security capabilities in non-EU countries. Again,

border control and surveillance are named as priority areas. Beyond the existing instruments, ASD argues that what is needed is ‘a new EU instrument specifically to support security in third countries, which combines in a comprehensive approach Security Sector Reform and Capacity Building, long-term and short term assistance, support for training and buildup of capabilities.’<sup>407</sup> ASD in a white paper on the defence and space part of the next EU Multiannual Financial Framework (2021-2027) even pushes for the use of ‘High Altitude Pseudo Satellites (HAPS) and drones [...] to monitor African borders.’<sup>408</sup>

The military and security industrial lobby has proved to be effective. Its recommendations on the IcSP were picked up by the European Commission. In December 2017, it adopted a proposal to amend the IcSP to ‘extend the EU’s assistance to the military actors of partner countries’, including the supply of equipment, with the exclusion of ‘arms and ammunition or lethal equipment.’ It specifically mentions ‘IT systems (including software), transport vehicles (for example those for troops or cargo), communication means, uniforms and protective gear, surveillance [...] equipment, training-related equipment and facilities and functional infrastructure (such as buildings, barracks)’. For the period 2018-2022 the IcSP will be increased by €100 million.<sup>409</sup>

Meanwhile, the new European Defence Action Plan includes billions of annual funding for both military R&T and collective development and purchases of arms by groups of member states. The plan openly states one goal is to support the European military industry, including its global competitiveness and an increase in export of its products and services to countries outside the EU.<sup>410</sup> The arms and security industry which was heavily involved in shaping (parts of) these plans, enthusiastically embraced them.<sup>411</sup>

## 6.2 SHIFTING MARKETS: FOCUS ON AFRICA

The EU’s emphasis on building up border security capacities in third countries has certainly not gone unnoticed by the military and security industry.

Recent years have shown a shift in their attention towards new geographical markets for border security, especially Africa.

Speaking at the Special Operations Forces Exhibition (SOFEX) in Amman (Jordan) in 2016, Cherine Maher, head of regional safety and security at the US Embassy also noted the growth of 'the safety and security sector [...] across North Africa and Levant', singling out Egypt: 'Egypt is facing a lot of challenges especially in terms of border control and whether it's from the West or the East or the North or the South, so the main project that is going on is border and perimeter control.'<sup>412</sup>

Naming border surveillance in the Mediterranean as one of the key drivers, Fernando Ciria (Head of Marketing, Tactical Airlifters and ISR at Airbus Defence and Space (ADS)) told journalists in June 2016 that Africa is a very promising market for Airbus, with many orders expected in the next years.<sup>413</sup> Later that year Jean Pierre Talamoni, the company's head of sales and marketing, said that he estimates that two thirds of new military market opportunities over the next 10 years will be in Asia and the Middle East/North Africa region. In Africa he saw a particular need for maritime patrol and border surveillance aircraft.<sup>414</sup>

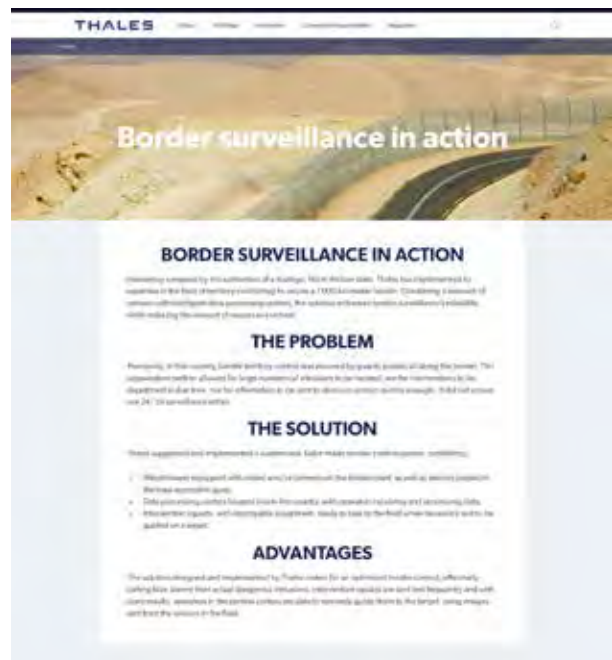
Thales also sees prospects for growth in Africa. In the security field, Christophe Farnaud (Vice President Africa) mentions 'blue and green [sea and land, MA] border security' as a specific area of development.<sup>415</sup>

This isn't just a case of an industry that follows wherever EU policies take the money. As Martin Lemberg-Pedersen argues, EU border externalisation is also used to stimulate and encourage more states and corporations to invest in border security and thereby 'a hugely profitable export market for the European arms industry'.<sup>416</sup> And behind this industry, he points out, there are 'international financial actors including banks, investment firms, hedge funds, and stockholders which provide and circulate the capital underpinning European border control', making 'the militarization of border control [not] only about political desires for protecting nations by excluding vulnerable people, [but] also pushed by borderless financial interests'.<sup>417</sup>

## 6.3 COMPANIES THAT PROFIT

Our earlier report *Border Wars* showed that large European arms and technology companies, in particular Airbus, Thales, Leonardo (formerly Finmeccanica) and Safran, are the main winners of EU border militarisation. In terms of border externalisation contracts, a more diffuse group of arms and security companies profit from EU and member states' funding and pressure on third countries to purchase border security equipment. Not surprisingly, member states often choose to fund or donate equipment from companies from their own countries.

### THALES



*Thales promotes its border security solutions in North Africa*

Notwithstanding the more diffuse corporate landscape that profit from the EU border externalisation policies, French arms giant **Thales** is still a notable beneficiary and prominent corporate player. It serves as a good example too of the way the military and security industry makes money out of the refugee tragedy.

Thales is the tenth largest arms producer in the world, and Europe's fourth largest – and consequently also an important provider of arms to countries in the Middle East and Africa, where it saw continued high growth in 2017.<sup>418</sup> As we explored in *Border Wars*, Thales is a large player in the EU border security industrial complex. As a

member of both ASD and EOS, it played a significant role in lobbying for security-based EU border and migration policies. It has also won significant border security contracts, for example deploying a complete, integrated system for border security at the Eastern Latvian border, with command and control software, optronics, sensors and a communication network.<sup>419</sup>

When it comes to EU border externalisation, the focus of Thales lies on 'capitalising on the growth in security markets' in Africa.<sup>420</sup> It provided nine African countries with control systems for identification documents.<sup>411</sup> For example since 2005, Morocco has been switching to biometric identity cards, based on digital fingerprints, in part to 'control migration flows'.<sup>422</sup> Thales has helped implement the project – delivering ID document production equipment and software.<sup>423</sup>

The relationship with Egypt is especially close. In recent years, Thales has helped supply Egypt with Rafale combat aircraft and radar for frigate and corvette warships.<sup>424</sup> Egypt's cooperation with stopping migration for the EU plays a role in this, as it facilitates a permissive application of arms export regulations.

In 2015 the Dutch government granted a 34 million euro export license to Thales Nederland for the delivery of radar and C3-systems to Egypt, to be used on corvettes built by the French **Naval Group**, even though it admitted concerns at grave human right violations. One of the reasons given by the Dutch government for granting the export license to Thales was the role the Egyptian navy plays in stopping 'illegal' immigration to Europe.<sup>425</sup>

In 2017 Thales announced it would acquire digital security company **Gemalto**, headquartered in Amsterdam (The Netherlands), for about €4.8 billion.<sup>426</sup> With this, Thales will significantly strengthen its position in the international border security and control market. Peter Smallridge of Gemalto is the co-chair of EOS' Integrated Border Security Working Group.

Gemalto was contracted by Morocco for the supply, operating and security of Morocco's new biometric passports. After training by Gemalto, the Bank Al Maghrib, Morocco's central bank,

took over the production in 2013.<sup>427</sup> Gemalto also provided Ghana with a electronic border control system, based on biometric identification technology, as part of the development of a national migration policy.<sup>428</sup> This policy was praised by the EU as being in line with the Valletta Declaration and Action Plan.<sup>429</sup> Ari Bouzbib of Gemalto said the new system for Ghana could serve 'as a template for modernisation across many other countries in Africa.'<sup>430</sup>

Other customers have included Uganda, for a Visa Management System to strengthen border security, and Algeria, Cote d'Ivoire, Lebanon, Moldova, Nigeria and Turkey, for biometric passports or ID-cards.<sup>431</sup> In February 2017, Gemalto signed a Memorandum of Understanding with the Moldovan Border Police 'to strengthen the security of the borders of the Republic of Moldova in accordance with European standards, as well as the ensuring of the fulfillment of the necessary conditions for the application of the Schengen acquis provisions.' Gemalto has agreed to help look for external funding to implement the projects.<sup>432</sup>

Thales is also one of the co-owners of Civipol, a company of the French Ministry of the Interior, which helped shape the EU border externalisation policies it now profits from through implementing many EU-funded projects in third countries. This will be discussed in more detail in the next chapter (6.4).

## TURKISH COMPANIES WIN EU FUNDING FOR BORDER SECURITY

EU gave financial support for strengthening Turkey's border security capacities long before the Turkey deal, mainly through the Instruments for Pre-accession Assistance (IPA and IPA II).<sup>433</sup> In total, Turkey is due to receive €469 million from these funds for 'migration related' activities in the period 2007–2020.<sup>434</sup> Some of this money is for purchases of border security equipment.

In May 2017, Turkish state-owned defence company **Aselsan** was awarded the contract for the supply of armoured and unarmoured mobile surveillance units for border control. The EU paid for this contract, worth almost €30 million, through the IPA and IPA II. Deliveries are scheduled for 2018.<sup>435</sup>

Aselsan also built a border security system at Turkey's border with Syria. It includes so-called 'smart' military towers with observation and obstruction systems.<sup>436</sup> Aselsan also developed two types of surveillance and reconnaissance balloons for use along the borders with Syria and Iraq. The 'Water Drop' and the 'Global' balloons will have protection against light weapons and should be in the air 24/7, providing information to military bases and outposts.<sup>437</sup>

Another Turkish company profiting from EU money is **Otokar**, a producer of military and civil vehicles. In 2015 it won the tender for supplying Turkey with reconnaissance and surveillance vehicles for border security. The Cobra II vehicles are equipped with radar, a target detection and thermal camera system.<sup>438</sup> The contract, at a value of over €47 million, was again financed through the IPA.<sup>439</sup> According to Thomas Gammeltoft-Hansen at Raoul Wallenberg Institute of Human Rights and Humanitarian Law, this makes "EU-countries [...] in principle complicit, if they know that the equipment is used in a way that violates the refugees' rights".<sup>440</sup>

With the orders for Aselsan and Otokar, Turkey is using EU money to strengthen its own military and security industry. Building these domestic industries is part of a Turkish policy aim of becoming more self-sufficient and less dependable on foreign arms deliveries. It seeks to counter a growing international reluctance to supply it with arms in light of its war against the Kurds, including its 2018 operation in Northern Syria, and the increasing authoritarianism of president Erdogan.<sup>441</sup> The European Union's prioritisation of migration policy is therefore not only turning a blind eye to these abuses, but helping fund the very arms firms that underpin these military efforts.

Although Turkish beneficiaries dominate, six new 'Search and Rescue' vessels were ordered from Dutch shipbuilder **Damen**, though they were built at its shipyard in Antalya in Turkey.<sup>442</sup> In July 2017, Damen handed over the first two vessels to the Turkish Coast Guard, under a contract concluded with IOM.<sup>443</sup> British company **Rolls-Royce** delivered the engines for the vessels.<sup>444</sup>

In spite of their name, the European Commission made it clear that 'search and rescue' is only part of the job for the new vessels, which also includes 'tackling irregular migration and trafficking'.<sup>445</sup> The Commander of the Turkish Coastguard Command, Rear Admiral Bülent Olcay was even more open, describing them as replacements for 'Coastguard vessels whose lifespans expired early due to overuse' in 'the fight against irregular migration'.<sup>446</sup>

The €20 million used to finance the boats came from the Instrument contributing to Stability and Peace (IcSP), intended for peace-building and conflict prevention. It is the largest project under this Instrument, with arms producers Damen and Rolls Royce as the real beneficiaries.<sup>447</sup> Cornelia Füllkrug-Weitzel of German NGO Brot für die Welt, criticised this project and the use of IcSP to build up armed forces in third countries: 'From our point of view, every euro from development funds and civilian budgets being used for military purposes is one euro too much.'<sup>448</sup>

For Damen this is not the only sale connected to border security outside Europe. It supplied four patrol vessels to the Libyan Coast Guard in 2012, which were sold as civil equipment in order to avoid an arms export license from the Dutch government. However, a team of researchers found out that the ships not only were sold with mounting points for weapons, but were then armed and used to stop refugee boats. Several incidents involving these boats were reported, included one where 20 to 30 refugees drowned. Damen refused to comment, saying it agreed with the Libyan government not to talk about the ships.<sup>449</sup>

In 2012 Damen also delivered one patrol vessel to Cape Verde's coast guard.<sup>450</sup> In 2015 Morocco ordered five interceptor vessels from Damen 'to combat illegal activities [...] in Moroccan waters'.<sup>451</sup> Damen was also contracted in 2013 to build six long-range patrol vessels for the Somali Coast Guard. The contract included training in partnership with the Dutch Shipping and Transport College Group.<sup>452</sup> And in April 2018 the Tunisian Navy received the first of four Damen Multi Service Offshore Patrol Vessels.<sup>453</sup>

## LEONARDO AND INTERMARINE PROFIT FROM LIBYA

The lifting of the international arms embargo against Libya in October 2004 paved the way for export of military equipment. Mark Bromley of research institute SIPRI notes that ‘Libya at the time had a huge amount of old, out of date military equipment dating back to the Soviet era and was looking to modernize its armed force. It was the perfect opportunity for western arms companies to get a foothold in this lucrative market and incredibly oil-rich country.’<sup>454</sup>

Large international arms companies jumped at the new opportunities and started to groom the Libyan government. In 2007 and 2009 military companies showed their aircraft at Libyan Aviation Exhibition (LAVEX) in Tripoli.<sup>455</sup> Airbus (then called EADS) was an important arms provider to Libya in the period 2004-2011 and kept an agency in Tripoli up until the civil war.<sup>456</sup> Italy, Germany, France and the UK were the most important arms suppliers post-2004, exporting over €1 billion worth of arms to Libya. These were the same countries that had pushed hardest for the lifting of the EU arms embargo.<sup>457</sup> In 2011, a new UN arms embargo was installed and EU arms trade with Libya dropped significantly.<sup>458</sup>

Meanwhile, arms supplied to Libya in earlier years started to spread out to other countries in the region, fueling conflicts in Mali, Syria and elsewhere. According to a report by UN Security Council’s Group of Experts ‘[t]he proliferation of weapons from Libya continues at an alarming rate’, ‘fuelling existing conflicts in Africa and the Levant and enriching the arsenals of a range of non-State actors, including terrorist groups’.<sup>459</sup>

To strengthen Libya’s border security capacities, Italy and the EU donated security equipment and money for border security purchases to Libya, as described below. In practice these ‘donations’ benefited Italy’s own arms companies foremost, in particular Leonardo and Intermarine.

With the start of the civil war, deliveries stopped, but resumed shortly after the fall of Gadaffi. A leaked 2013 internal EU document lists equipment donations to Libya by Italy in 2012 and 2013, which included ‘15 off road vehicles for sensitive infrastructure patrolling’ (value: €550.000), ten 4x4 and ten 6x6 vehicles (value: €7.7 million) and Navy uniforms (value: €500.000). Donations of a patrol boat, IT equipment, 15 motor cycles and 20 more vehicles were in the pipeline.<sup>461</sup>

**Leonardo** (then: Finmeccanica) was the first western arms company that concluded a large arms deal with Libya after the end of the arms embargo in 2004. In 2006 Libya ordered ten AW109 Power helicopters for border control from the company’s subsidiary AgustaWestland, for an estimated €80 million.<sup>462</sup> Finmeccanica also set up several joint ventures with Libyan companies in the field of aerospace and defence electronics.<sup>463</sup>

In 2009, another Finmeccanica subsidiary, Selex Sistemi Integrati, announced a €300 million contract with Libya for a large Border Security and Control System, including ‘the training of operators and maintenance staff as well as the completion of all the civil infrastructures required.’ Finmeccanica called it ‘one of the most important achievements by a Finmeccanica company in the Large Systems for Homeland Security domain.’<sup>464</sup> Half of the funding for the purchase came from the EU, the

Country	2004	2005	2006	2007	2008	2009	2010	2011	Total
France	-	12.88	36.75	17.66	112.32	30.54	192.54	28.62	431.31
Italy	-	0.00	14.97	56.72	93.22	119.73	37.99	0.91	323.54
United Kingdom	-	58.86	3.11	4.63	27.20	25.55	37.38	0.59	157.32
Germany	-	0.31	2.00	23.84	4.18	53.15	6.11	3.89	93.48
Others	1.08	0.14	2.20	5.95	13.86	43.01	19.84	0.01	86.09
<b>Total</b>	<b>1.08</b>	<b>72.19</b>	<b>59.03</b>	<b>108.80</b>	<b>250.78</b>	<b>271.98</b>	<b>293.86</b>	<b>34.02</b>	<b>1,091.74</b>

other half from the Italian government. The first half of the project was signed off and was started in October 2009, but the equipment hadn't been installed before the overthrow of Gaddafi. The project was halted. In 2011, Finmeccanica re-initiated negotiations with the interim government, which assured the company that it planned to comply with past contracts.<sup>465</sup>

During 2012 the new Libyan government discussed a possible multi-billion-euro land border security program with Italy, the UK and France. An array of arms companies, including Finmeccanica, as well as Thales, Airbus (then EADS), KBR UK, BAE Systems and QinetiQ, prepared to bid for an expected, but not yet released, tender which could cover for example radar, helicopters, UAVs and ground vehicles.<sup>466</sup> According to former Italian airforce's Chief of Staff General Leonardo Tricarico, then an adviser to Finmeccanica, in 2012 Libya and Italy also signed a memorandum on a border security project based on surveillance by satellites, which didn't materialise.<sup>467</sup>

In November 2013, Libyan Defence Minister Abdullah al-Thini announced that Libya had contracted Selex Sistemi to set up a satellite-based surveillance system: 'It will cover the whole border. From the end of 2014 the southern border will be sealed. The crossing points and weak spots will be closed with the help of satellites'.<sup>468</sup> This was not a new project, but rather the resumption of the halted project of 2009. Since then the proposal has been mentioned a number of times, but as of September 2017 had still not gone ahead.<sup>469</sup>

Leonardo is also involved in other border security deals in countries neighbouring Europe. It supplied 15 helicopters for border monitoring to Algeria in 2010 and 2011.<sup>470</sup> And in 2013 AgustaWestland signed a contract with the Mauritanian Air Force for the delivery of two AW109 helicopters, to be used for border patrol and reconnaissance missions.<sup>471</sup> In February 2017, Leonardo announced it was selected by Austrian company **Schiebel** to supply its PicoSAR radar surveillance system for Camcopter S-100 unmanned air systems (UAS) to a North African country, reportedly Tunisia, for tasks including border monitoring.<sup>472</sup>

**Intermarine** is an Italian military shipbuilder, part of the Rodriquez Cantieri Navali Group. The Italian Navy is its main customer, but Intermarine patrol ships are also used by the Romanian border police and the Libyan coast guard.<sup>473</sup>

In 2009, Italy donated six Bigliana patrol ships from Intermarine to the Libyan coast guard for border security tasks.<sup>474</sup> Libyan officers were trained in their use by Italian military police.<sup>475</sup> Italian military officers were also present at the boats as 'observers' and for maintenance. Two of the ships subsequently broke down and had to be taken out of service, while the other four were returned to Italy in 2012 for €4.3 million euros worth of maintenance work, paid for by Italy.<sup>476</sup> Italy delayed its return of the ships to Libya, because of the violent and unstable conditions in the country. But in May 2017, it returned four patrol ships and promised an additional six later the same year.<sup>477</sup>

According to Amnesty International, the Libyan Coast Guard used Ras Jadir, one of the boats donated by Italy, during a horrific incident on 6 November 2017, when 50 refugees died due to its actions.<sup>478</sup> Eight of the thirteen crew members of that boat were trained under Operation Sophia.<sup>479</sup> Amnesty commented: 'By donating boats to a coastguard accused of colluding with smugglers and beating those intercepted at sea and by supporting centres where people are arbitrarily detained and tortured, their true intention is revealed. Indeed, stopping people arriving irregularly in Europe is now so high on their agenda that any price is seemingly worth paying.'<sup>480</sup>

While Gaddafi was in power in 2010, Libya ordered a Coastal Surveillance System for the whole coast from **Transas Systems**, an Irish-based specialist in maritime technology.<sup>481</sup> The system, worth around \$28 million, would be able to continuously monitor the coastline.<sup>482</sup> 'Libya will have a system that is one of the most modern and efficient in the world and even detect small boats used by illegal immigrants', said Christopher Loiz, head of Transas' French unit at the time.<sup>483</sup> It is not clear, but it seems unlikely this system has actually been installed, given the quick changes in Libya shortly after the signing of this contract.

In 2014 French shipbuilding company **Ocea** announced a contract to deliver at least two FPB 98 patrol ships to the Libyan navy.<sup>484</sup> These ships were used least once to intercept a NGO vessel on a rescue mission off Libya's coast in 2017. Twenty of the same ships were sold to Algeria between 2008 and 2011. And in 2012 Senegal also ordered four of them.<sup>485</sup> Ocea has also provided the Nigerian Navy with a range of patrol boats for tasks including stopping irregular migration.<sup>486</sup>

## GERMAN EQUIPMENT DONATIONS: RHEINMETALL AND AIRBUS PROFIT

Germany is the largest European donor of military and security equipment for border security and control to third countries. It is often not clear which companies produce the equipment, however the names of arms companies **Rheinmetall** and **Airbus** frequently pop up.

In 2016 Jordan received 16 Rheinmetall-produced Marder infantry fighting vehicles for border security tasks at its border with Syria from the German Ministry of Defence. Another 34 would follow in the course of 2017, bringing the total value up to about €25 million.<sup>487</sup> A few months later Jordan Border Guards Commander Brig. Gen. Barakat Aqeel said: 'The borders are completely closed for refugees'<sup>488</sup> Algeria also uses Rheinmetall Fuchs-tanks for border security.<sup>489</sup>

**Airbus** is another beneficiary of German largesse. Germany donated a large amount of mainly Airbus-produced border security equipment to Tunisia, including speedboats, a document testing laboratory, night vision equipment, surveillance systems, radar and reconnaissance systems and other partly-military equipment and devices for border security.<sup>491</sup> Airbus' C295 and CN235 helicopters are used by amongst others Mali, Egypt and Ghana for a broad range of missions, including (maritime) border control.<sup>490</sup> Algeria also purchased a border surveillance system from Airbus Border Security division.<sup>492</sup>

In March 2017, Airbus Border Security division became the German company **Hensoldt**. Airbus Defence and Space had decided to focus more on

its core activities and sold this division as well as its electronics one to American private equity firm KKR & Co for about €1.1 billion, while maintaining a 25.1% minority stake in the short term.<sup>493</sup>

Hensoldt announced in May 2017 that it had already received orders from MENA countries worth around €40 million for 50 units of its Spexer 2000 ground surveillance radar, mostly used for border and coastal surveillance.<sup>494</sup>

In December 2017, the German government wrote in answer to parliamentary questions by Die Linke that it had funded additional equipment supplies by Hensoldt to Tunisia, including five ground surveillance radars, 25 high-resolution binoculars, five mountable NightOwl M night vision units, and 25 smaller night vision units that can be mounted as rifle scopes on automatic weapons. Hensoldt was also responsible for training the operators in their use.<sup>495</sup>

## BIOMETRICS BUSINESS

The EU has pushed many third countries to register their population, including refugees, with fingerprints or other biometrics to be able to identify (and often deport) them quicker if they enter Europe. The European Commission sells these practices by stressing how it works with the African Union and how it can assist voter registration. It adds however that 'of course the data should also be used for migration management'.<sup>496</sup>

Thales and Gemalto's role has already been discussed. Other players include **Civipol** (see upcoming chapter 6.4), **Veridos**, a German joint venture of security technology company **Giesecke & Devrient** and the **Bundesdruckerei**, a state owned company specialized in secure identification documents and equipment. It produces ID documents and automated border control and biometric identification systems.

Two weeks after a visit to Morocco by German Minister of the Interior Thomas de Mazière in 2016, Morocco ordered an entire national border control system from Veridos that committed to providing the IT infrastructure including biometric scanners



and control sluices for both stationary and mobile border control points.<sup>497</sup> Veridos said the contract, whose value it refused to disclose, is one of the world's largest in the field of border control.<sup>498</sup>

**OT-Morpho** was established in 2017 when Morpho, part of French military company Safran, was sold to Advent Technologies and merged with its subsidiary Oberthur Technologies. In 2010 Morpho signed a contract with Mauritania to produce secure biometric-based ID documents. The program also incorporated 'Mauritania Visit', a border control system. Morpho called it 'one of the first totally integrated systems of this type, combining citizen identification, production of ID documents and secure border control.'<sup>499</sup>

For Egypt, Morpho produces national eID cards, in cooperation with AOI Electronics, a military company owned by the Egyptian state. Morpho also provided Egypt with an 'identity management system to ensure the secure issuance of ID cards'.<sup>500</sup>

In Mali, Morpho is working on a 10 year contract signed in 2016 to provide a complete system for issuing biometrics-based electronic passports.<sup>501</sup> Morpho also provides passports to Uzbekistan, where it implemented an ID-system covering the whole chain including border control.<sup>491</sup> Thales was a subcontractor for this, supplying biometric data acquisition stations.<sup>502</sup>

Veridos, OT-Morpho and Gemalto are all prominent members of the Security Identity Alliance (SIA), a lobby organisation for the market of digital identities and security. In June 2017, its working group on eBorders published the lobby paper 'Strong identity, strong borders', a 'best practice guidance on the development of a cohesive and effective eBorder strategy'. In it, the SIA explicitly argues for 'exporting the border' through interventions before people leave for their destination, for example with a 'face to face interview by a representative of the destination country', including 'biometric enrolment - of face and fingerprints for example - which can be checked against police and immigration records back in the home country'.<sup>504</sup>

## EU CORPORATIONS AND MIGRANT DETENTION CENTRES OUTSIDE EUROPE

All EU member states imprison forcibly displaced persons, though the form detention takes, the length and the categories of people who end up there differ.<sup>505</sup> The stated goal of detention is mostly to ready unauthorised migrants for deportation, but many end up returning to 'illegality', or get a permit to stay after all. Detention of migrants, especially of children and other vulnerable people, has been one of the most heavily criticized aspects of EU migration policies, as well as the way (the security) industry profits from it.<sup>506</sup>

While it is clear from its practice that the EU sees little problem in sending refugees back to countries where they may end up in horrific detention, such as in Libya, it is less well known that the EU also funds detention of refugees within third countries.

Conditions and treatment of imprisoned forcibly displaced persons in EU-funded detention centres is often bad. Human Rights Watch raised the alarm in 2010 on the 'torture and other inhuman and degrading treatment' in detention centres in Ukraine built with EU funding.<sup>507</sup> A 2015 report by German magazine *Der Spiegel* showed that the situation for migrants in Ukraine had not improved, with the EU refusing to comment.<sup>508</sup> Yet, when another EU-funded detention center in Ukraine opened in December of that year, the European Union Advisory Mission (EUAM) Ukraine claimed that the prison was built 'with the human rights and well being of the illegal migrants in mind'. The centre was designed by British engineering company **Arup**.<sup>509</sup> Arup had been given a €4 million contract in 2009 for the architecture, engineering, design and project management for a total of nine detention centers in Ukraine, fully paid by the EU via the European Neighbourhood and Partnership Instrument (ENPI).<sup>510</sup> **Eurasylum**, a British migration research and consulting company, was co-manager of this project.<sup>511</sup>

From IPA funds, the EU has financed the 'supply of equipment for the establishment of reception and removal centres' in Turkey. In 2014 contracts

were awarded to several Turkish companies (Caner Medikal Tic., Teksmak Tekstil Mak, Köksal Bilişim Teknolojileri, İletişim, Elektronik ve Fotoğrafçılık, İnoksan Mutfak, Seha Mühendislik Müşavirlik) for a total of almost €6 million for things ranging from furniture and textile to IT and security equipment. Tender procedures for the supply of electrical appliances and medical equipment were cancelled, because ‘no qualitatively worthwhile tender[s]’ were received.<sup>512</sup>

In January 2017 it was announced that Belarus would get €7 million from the European Neighbourhood Instrument for detention centres to ‘accommodate illegal migrants caught in Belarus’. The European Commission, Belarus’ interior ministry and the Belarus office of the IOM have partnered on the project.<sup>513</sup> Belarus’ dictatorial leader Alexander Lukashenko clearly expects more money from the EU: ‘We don’t need illegal migrants to stay here for long. If someone is interested in the establishment of these centres here, then they also need to provide Belarus with money for the subsequent extradition of migrants. We don’t need them to stay here.’<sup>514</sup>

Moldova has also received funding for a detention centre in Chisinau, in use since 2009, from the EU and the Finnish Ministry of Foreign Affairs. It includes a detention building for families.<sup>515</sup>

## 6.4 INSTITUTIONS AND EXTERNALISATION: CIVIPOL, ICMPD, IOM, GIZ

Military and security companies are not the only ones gaining contracts from EU border externalisation. Many projects funded by the EU or member states are implemented by (semi)public and intergovernmental institutions. While their primary aim might not be making money, many fund their organisations by relying significantly on EU-funded projects. The most important players in this field are the International Organisation for Migration (IOM), the International Center for Migration Policy Development (ICMPD) and member states’ institutions Civipol (France) and GIZ (Germany).

### CIVIPOL

**Civipol** is the consulting and service company for the French Ministry of the Interior, founded in 2001 and relying on experts from the Ministry and other government authorities. As both a state operator and a private company, the French state owns 40% of Civipol, while several companies, including large arms producers Airbus, Safran and Thales, each own over 10% of the shares. It is active in several areas including security. Civipol doesn’t sell equipment but provides consultancy, management, audits, training and so on. In 2016, 76% of its revenues came from the security market. Its main client is the European Commission, funding a large number of its projects in both the EU and third countries.<sup>516</sup>

From the outset, Civipol has worked on border security and the externalisation of EU borders. In 2003 it wrote a ‘Feasibility study on the control of the European Union’s maritime borders’ for the European Commission. Many of the proposals in this document, filled with derogatory language against migrants, have been adopted by the Commission in its *Programme of measures to combat illegal immigration across the maritime borders of the European Union* of October 2003 and in later policy documents. It also laid some foundations for current (proposed) measures on border externalisation.<sup>517</sup>

Civipol argued that ‘control of the physical border should be reinforced at a “virtual border” upstream, by bringing control and prevention actions forward in the arc between the countries of transit or depart.’ It also proposed ‘using reception areas in third countries’, ‘the introduction and maintenance of administrative detention centres in the transit countries’ and ‘encouraging checks by the countries of embarkation on land, on the coastlines and in their ports. It called for taking action on vessels, as close as possible to the coasts of embarkation, with patrols authorised by the European Union as well as intervening on vessels which have managed to get past these first obstacles, close to or on the coasts of embarkation’. Its proposals read as blueprints for both the Turkey deal and the current Operation Sophia off the coast of Libya.

Civipol advised no restraints to achieve these goals, proposing heavy pressure on third countries, 'punishments' for those failing to stop boats with forcibly displaced persons leaving their territory, and suggesting the use of 'loopholes' in international human rights regulations, for example disguising interception and returning of refugee boats as the 'immediate rescue of ships whose seaworthiness is in doubt' under the International Convention for the Safety of Life at Sea.<sup>518</sup>

Yet, despite advocating all these repressive security-based measures, Civipol also admitted to the foreseeable consequences of its proposals. In the same study, it noted that strengthening border security will increase the market for (criminal) smugglers and that closing off a migration route will probably lead to the shifting of migration flows to other, often more dangerous, routes.

Since 2003, Civipol has participated in a large number of migration related projects, especially in African states. Between 2015 and 2017, it was the fourth most funded organisation under the EUTF.<sup>519</sup>

In Morocco in 2006, Civipol assisted the country's formation of a border guard, organising study visits to Bulgaria and Letland. In August 2017, it returned to strengthen the border guard's operational capacities for the 'fight against illegal immigration'.<sup>520</sup>

In 2009 it won a contract to manage 'a donation from France to purchase material and equipment for Tunisia's land and sea border surveillance units'.<sup>521</sup> It was similarly contracted by France to implement a €2.6 million biometrics-based border control system for Tunisia.<sup>522</sup>

Civipol is also one of the executive partners in the controversial Better Migration Management project in the Horn of Africa. In December 2016, it was selected to set up fingerprint databases of the whole population of Mali and Senegal. These projects, financed with €25 and €28 million from the EUTF, seek to identify irregular migrants from both countries in Europe and deport them.<sup>523</sup>

Yet the projects were promoted by the French government as a contribution to the UN Sustainable Development Goal 16 ('Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels').<sup>524</sup>

Another Civipol project financed from the EUTF is the 4-year AJUSEN-project in Niger, which provides support for justice, security and border management in the 'fight against illegal immigration'. This includes strengthening of Niger's Internal Security Forces and setting up 'efficient border management'. Civipol notes that the project is part of an 'overall effort to reinforce the internal security forces within this region'.<sup>525</sup>

Civipol is also involved in support for regional cooperation between Sahel G5 Countries, with €7 million funding by the European Commission for technical assistance in border management, and the Euromed Police IV (EU funding: €4.8 million) on security cooperation between southern EU and other Mediterranean countries, including Libya, Egypt and Israel.<sup>526</sup>

In addition to its role as consultancy and project manager, Civipol is also the main shareholder of the MILIPOL Economic Interest Grouping (EIG), which organises the large Milipol security fairs in Paris, Qatar and Singapore. Like all security and arms fairs, border security firms play a regular and increasing role.

The structure of Civipol raises big question marks about conflicts of interests given its mixed state-corporate make-up. It thrives on state funds, and then uses those to advocate for and participate in security projects in third countries that benefit the arms and security industry. Civipol and its owners certainly benefit, but it is far less clear that it benefits the refugees to whom these policies are directed.

## INTERNATIONAL ORGANISATION FOR MIGRATION

The International Organisation for Migration (IOM) is an intergovernmental organisation, established in 1951 and since 2016 working under the auspices of the United Nations as the UN Migration Agency. The work of IOM is very broad and consists of both working with governments and with migrants directly.

Many NGOs have criticized IOM for some time, especially for its role in deportations and detention of forcibly displaced persons and its support to states in building capacities for migration control.<sup>527</sup> In practice IOM works on the basis that states have the sovereign right to control their borders and to decide on (non-)entry of foreigners.<sup>528</sup> It offers a 'technical approach' to borders, framed in 'depoliticized language of management'. This however denies the political nature of borders, which 'continue to produce hierarchies of access to citizenship', where certain, privileged people can

travel free and settle where they want, whereas others are denied this.<sup>529</sup>

Most of IOM's work is on projects funded by states or by other intergovernmental organisations. In the field of 'immigration and border management', IOM runs about 200 projects each year that seek to support border and migration management and reduce irregular migration.<sup>530</sup> Its portfolio includes supporting many EU border externalisation projects.<sup>531</sup> At the heart of this is IOM's African Capacity Building Centre (ACBC) in Tanzania, established in 2009 'to enhance the migration management capacity of African States'.<sup>532</sup> By 2016 over 4500 officials from dozens of African countries had been trained at the ACBC, mostly in immigration and border management.<sup>533</sup>

IOM also plays an important part in EU attempts to stop migration to Europe through Niger and Libya. In its border security work with Mali, Mauritania, Niger and Burkina Faso, IOM also receives funding from the USA and Japan.<sup>534</sup> Much of the US funding



Training for Kenyan Immigration and Border Officers held by IOM in 2016

of military and security forces in the region – and also related border security projects - are through its Foreign Military Financing (FMF) program. These projects are often framed primarily in terms of regional stability and/or counter-terrorism, but in practice end up bolstering a policy of keeping forcibly displaced persons away from Europe.

Julien Brachet, a researcher at the Institut de Recherche pour le Développement (IRD, University of Paris), notes that in recent years IOM has started to frame its work using more humanitarian wording.

On the one hand IOM does valuable work, such as its project on migrant fatalities, on the other, given its work on behalf of states that have ramped up border security investments, Brachet writes, IOM has become ‘one of the leaders of [the] increasingly global and permanent system of surveillance and control – or ‘management’ – of populations that are considered both vulnerable and invasive, victimized and dangerous, refugees and illegal immigrants.’<sup>535</sup>

**TABLE 10: Prominent IOM projects funded by EU or EU member states (2011–2017)**

Country / region	Description	Funders (EU)
Belarus, Ukraine	Strengthening surveillance on the green and blue border between Belarus and Ukraine, including procurement of border control equipment and training. <sup>536</sup> Included donations of at least €2 million worth of vehicles, boats, communication systems and other equipment to the Belarusian border police by the EU. <sup>537</sup>	EU (European Neighbourhood and Partnership Instrument)
Egypt, Libya, Tunisia	Enhancing migration management in Egypt, Tunisia, and Libya (START), including the establishment of a governmental Legislative and Policy Task Force on migration management (Libya) and the implementation of a pilot project to equip 35 border entry points with software to optimize border management (Tunisia). <sup>538</sup>	EU
Malawi, Mozambique, Tanzania, Zambia	Capacity building for border management, including trainings for border officials and the rolling out of a border management information system (BMIS). <sup>539</sup>	European Commission
Mauritania	Border management, including constructing and refurbishing border posts, providing equipment, training border police. <sup>540</sup>	EU (Instrument for Stability)
Niger	Border Security in the Region of Diffa, including the building of a border police station at Gaidam, trainings on document fraud and cooperation with Nigeria. <sup>541</sup>	EU (Instrument contributing to Stability and Peace)
Nigeria	Promoting better migration management, including the establishment of the Nigeria Immigration Service Intelligence Unit, training of officers and provision of computer equipment. <sup>542</sup>	EU (European Development Fund)
South Sudan	Capacity building for migration management, training border guards on detection of forged documents and impostors. <sup>543</sup>	UK
Sudan	Training course for Immigration and Police officers on border management information systems, as part of the Better Migration Management project. <sup>544</sup>	EU (EUTF)

## INTERNATIONAL CENTER FOR MIGRATION POLICY DEVELOPMENT

Another major beneficiary of EU funding is the **International Center for Migration Policy Development (ICMPD)**, a Vienna-based international organisation, founded by Austria and Switzerland in 1993. ICMPD is supported by 15 member states, most from Central Europe.<sup>545</sup> It has a staff of around 200, a doubling of the number in 2010, and runs several project and field offices.<sup>546</sup> In 2016, it was overseeing €124 million worth of projects with 73% of this funding coming from the European Commission.<sup>547</sup> In 2015 the project value was €110.6 million, 69% from the European Commission.<sup>548</sup>

The work of ICMPD covers a broad range of migration-related issues, including capacity building in combatting irregular migration, border management and refugee returns. It implements and manages projects, provides schooling and training and does support and consultancy work. Between 2009 and 2017, it was coordinating projects in 19 countries outside the European Union (see Table 11). In Ukraine, for example, it got €1.7 million for the project *Capacity Building and Technical Support to Ukrainian Authorities to Effectively Respond to Irregular Transit Migration*, which ran from 2008 to 2010 and included the 'area' of detention.<sup>549</sup> Through this programme EU money was channelled towards 'technical support [...] to [...] detention centres in Rozsudiv (Chernigov oblast) and Zhuravichi (Volyn oblast)' and 'a comprehensive plan for a security perimeter protection system for the Zhuravichi centre.' A workshop to be funded at the same centre included the 'handling [of] problematic groups of migrants'.<sup>550</sup>

ICMPD is currently working on the *Development of the institutional capacity of the Directorate General for Migration Management of Turkey*, in order to meet the requirements of the EU-Turkey Migration Action Plan. The project is funded by the United Kingdom.<sup>551</sup>

ICMPD provides support and secretariat functions for several 'migration dialogues' the EU has with third countries, including the Budapest Process, Prague Process, Rabat Process, Khartoum Process.<sup>552</sup> And it implements the 'Mobility Partnership Facility' (MPF), a 'new tool supporting Mobility Partnerships and Common Agendas on Migration and Mobility.' The MPF is funded by the EU with €5.5 million from the Internal Security Fund and the Asylum, Migration and Integration Fund and includes support to third countries in '[p]reventing and combatting irregular migration'.<sup>553</sup> MPF finance only goes to countries that signed a Mobility Partnership or a Common Agenda on Migration and Mobility with the EU.<sup>554</sup> Projects include the '[d]evelopment of the capacity of dog handling services of border guarding institutions in Moldova and Georgia' and '[f]urther implementation of the Moldovan Integrated Border Management'.<sup>555</sup>

In parallels with Civipol's work, Leonhard den Hertog (CEPS) has noted the questionable double role ICMPD played regarding this project in both proposing and benefiting from MPF: 'The MPF was partly the idea of the ICMPD itself and DG Home, building on ICMPD's earlier activities [...]. There was no open call for proposals, the ICMPD was the only party managing the facility under indirect management', an example of how 'the usual implementers of projects can play a role in influencing the allocation and programming of budgets'.<sup>556</sup>

Sabine Hess, professor at the Georg-August University of Göttingen, adds: 'Not only does the ICMPD, as a self-proclaimed "service organization", support the development and externalization of EU migration and border policies, by training the state-owned institutions, providing expertise and evaluations, but in some ways it is ahead of it and interprets and defines these policies independently'.<sup>557</sup>

**TABLE 11: ICMPD projects in externalisation of EU border security and control (2009-2017)<sup>558</sup>**

Country	Project	Funders
Algeria	Strengthening the Protection of Migrants and the Capacities of Mixed Migration Flows Management	EU, Switzerland
Armenia	Support to Migration and Border Management in Armenia	EU
Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine	Eastern Partnership – IBM Flagship Initiative Training Project	EU
	Eastern Partnership Cooperation in the Fight against Irregular Migration – Supporting the Implementation of the Prague Process Action Plan	EU
	Eastern Partnership (EaP) - Integrated Border Management - Capacity Building Project	European Commission (ENPI)
Armenia, Azerbaijan, Georgia	Supporting Integrated Border Management Systems in South Caucasus	EU
Armenia, Georgia	Enhancement of Border Management Capabilities at the Ninotsminda - Bavra Border Crossing Point	EU
	Provision of Equipment and Infrastructure for the Bagratashen–Sadakhlo Border Crossing Point between Armenia and Georgia and Enhancement of Their Capacities	EU
Azerbaijan, Georgia	Study on the Proposal Submitted by Georgia and Azerbaijan on “Better Coordination of Protection of the Land Border between Georgia and Azerbaijan”	EU
	Better coordination of protection of the land border between Georgia and Azerbaijan	EU
Belarus, Ukraine	Strengthening the Surveillance Capacity on the Green and Blue Border between the Republic of Belarus and Ukraine	EU
	Strengthening Surveillance and Bilateral Coordination Capacity among the Common Border between the Republic of Belarus and Ukraine	EU
Bosnia and Herzegovina	Support for the Implementation of the BIH Integrated Border Management (IBM) Strategy and Action Plan	EU
Ethiopia, Kenya	Capacity-building for Immigration Services in Horn of Africa with Initial Focus on Ethiopia	EU, UK Border Agency
Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan	Assessment and Capacity Development for Integrated Border Management in Central Asia Under BOMCA Programme	EU
	Border Management in Central Asia (BOMCA) Phase VIII	EU
	Border Management Programme in Central Asia	EU
Lebanon	Developing National Capacity for Integrated Border Management (IBM) in Lebanon	EU
Moldova	Assistance at the Tender Supply Procedure and Delivery of Equipment for Biometric Passport Production, Chisinau, Moldova	EU
	Strengthening and Development of the Institutional Capacity of the Bureau of Migration and Asylum	Romania
	Fighting Irregular Migration in Moldova	EU, Czech Republic, Hungary, Romania, Switzerland
Serbia	Serbia IBM Twinning	EU
Tunisia	Support Programme to the Government of Tunisia in the area of Integrated Border Management	EU, Switzerland
Turkey	Twinning Project: Implementation of Integrated Border Management in Turkey	EU
	Technical Assistance for Improving Administrative Capacity of Border Management at Local Level	EU (IPA-I)
	Support to the development of institutional capacity of the Directorate General for Migration Management of Turkey (DGMM II)	United Kingdom

## GIZ

The German state development cooperation agency, the **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)**, is an important implementer of projects under the EU Trust Fund for Africa and other EU or German funding. It is the main contractor for the controversial Better Migration Management project in the Horn of Africa and involved in many other border and migration management projects, receiving funds of over €130 million.

Besides its EU-funded projects, GIZ implements several migration projects financed by the Germany government. These include the *Support to the African Union Border Programme*, that runs from 2008 to

2018 financed with €37.2 million. This covers work with 18 African countries on border management.<sup>559</sup>

GIZ also runs several migration related projects in Morocco, Mali, Mauritania, Chad and Niger, as well as broader projects to strengthen police and other security actors in several African countries.<sup>560</sup>

GIZ was also involved in one of the largest border security contracts ever, the €2 billion contract awarded in 2008 by Saudi Arabia to Airbus (then called EADS) for the supply of a surveillance system for all of its borders. As part of the deal, dozens of German police officers, paid by GIZ, were deployed to Saudi Arabia to work together with EADS in training Saudi border officials, including weapons training, as well as advising them on executing border patrol activities.<sup>561</sup>

Project	Description	Funding GIZ
Better Migration Management in Support to the Khartoum Process (BMM)	To better manage migration at regional level, through the provision of capacity building and basic equipment to government institutions from Khartoum process countries.	€40 million
Enhancing the response to Migration Challenges in Egypt (ERMCE)	To strengthen migration governance and management in Egypt.	€35 million
Favoriser la mise en œuvre de la stratégie nationale migratoire de la Tunisie	Capacity building of relevant Tunisian institutions for the finalisation, operationalisation and monitoring of National Migration Strategy.	€4 million
Integrated Border Management Support Program in Burkina Faso (PAGIF-BF)	Support the implementation of the Integrated Border Management Support Program (PAGIF) in collaboration with Burkina Faso's neighbors.	€25 million
Strengthening the sustainable management of the consequences of migration flows(Niger)	Support the reinforcement of the rapid and appropriate response capacity of local authorities in the face of the influx of migrants and its consequences, in order to develop short-term and structural measures for 'prevention and management of crisis situations'.	€25 million





*Syrian refugee in informal camp in Izmir region, Turkey, 2016*



*Syrian refugees in Izmir region, Turkey, 2016*

# CONCLUSION



*"We Europeans should remember well that Europe is a continent where nearly everyone has at one time been a refugee. Our common history is marked by millions of Europeans fleeing from religious or political persecution, from war, dictatorship, or oppression... We have the means to help those fleeing from war, terror and oppression..."*

**- Jean-Claude Juncker, European Commission President, 2015**

In December 2017, the European Commission took stock of its response to the 2015 refugee tragedy. It complimented itself with the way it handled the tragedy. President Jean-Claude Juncker argued the EU is 'now moving away from crisis mode' and predicted a future of increasing cooperation with third countries as one of the main pillars of EU migration policies.<sup>563</sup>

While it is true that arrivals of forcibly displaced persons to the EU have gone down, this 'success' comes at a high price. The way the EU has dealt with the issue has been by turning migration into a security rather than humanitarian issue, framing migration and refugees as a threat to be dealt with by boosting and militarising border security. The EU's approach is strongly influenced by its military and security industry through intensive and successful lobbying. It is then exported to third countries.

EU border externalisation policies have had devastating consequences. Most of all for forcibly displaced persons who are confronted with ever more militarised border security and control measures. However, the reliance on security and the prioritisation of migration management above everything else has also resulted in undermining the development of countries, strengthening dictatorships, supporting repression and human rights abuses and threatening people's security and safety, most of all of women. In the process, the EU is also undermining its own, already flawed democracy, by sidelining the European Parliament from being involved in proper debates around migration policy with third countries.

Continuing on this path would not only perpetuate these injustices, it could also lead to a fundamental shift in the relationship between the EU and third countries, primarily those in Africa. While, from the colonial period on, there has always been an unequal relation in terms of power and wealth, the way EU treats its North African neighbours now entrenches a deeply neo-colonial relationship where European security interests are brazenly prioritised above African populations. This goes beyond the 'cooperation' on migration

itself; it is increasingly embodied in all of EU's relations (trade, aid, military, foreign relationships) that have all been adapted to prioritise keeping refugees out.

The securitisation of migration in third countries and the militarisation of borders, backed up with EU funding, feeds anti-immigration politicians and far-right groups in and outside Europe and often translates into support to authoritarian regimes outside Europe.

EU border externalisation undermines development and economic stability in third countries, especially in Africa. It is leading to a diversion of resources towards security and military, at the cost of much-needed investment in education, health care, fighting poverty and other social and environmental issues, which would help to prevent situations that force people into migration.

This perverse diversion of resources will ultimately create greater insecurity, and even more forcibly displaced persons. Even now by making regular migration ever more difficult, the EU is pushing desperate people into the arms of criminal smuggling networks, that take over more and more from people who just had a job in facilitating migration.

Ultimately one must ask in whose interests this serves? Though it shouldn't be a leading question it is doubtful even that the EU border externalisation policies actually serve European interests, especially in the long term. As one unnamed EU official said: we are only 'creating chaos in our own backyard' and that will eventually turn against us.<sup>564</sup> The only winners then are the military and corporate profiteers and institutions and those politicians that derive support by spreading hate, racism and repression.

A different road is possible. It requires a rejection of an approach that treats the current refugee tragedy as a security threat and understanding it as a humanitarian and political problem, for which the EU bears responsibility. This means, at the very least, that the EU should provide safe passage and good reception and

shelter for forcibly displaced persons. It would require a rejection of an approach that dehumanises migrants and encourages illegality. Most of all, it would require a focus by the EU on truly eliminating the reasons people are forced to flee, instead of feeding and enlarging them.



*Syrian child refugee in Izmir region, Turkey, 2016*

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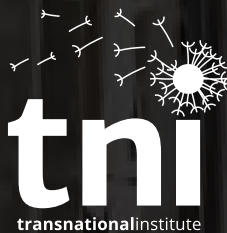


*Migrant demonstration in Paris, France after eviction of Cachan camp, 2006*



This report examines the rapid growth in EU border externalisation measures and agreements that began in 1992 and have accelerated since 2015. The EU is now involved in more than 35 neighbouring countries training security forces; donating helicopters, patrol ships and vehicles, surveillance and monitoring equipment; developing extensive biometric systems; and requiring countries to accept people deported from Europe. It has become a central objective of EU foreign relations including its aid and trade policies.

This report looks in particular depth at how this cooperation has played out in Turkey, Libya, Egypt, Sudan, Niger, Mauritania and Mali and finds a consistent pattern of authoritarian state regimes emboldened to repress civil society, vulnerable refugees targeted and forced to look for other, often more dangerous and deadly routes, and an EU agenda obsessed with migration control regardless of its social and human costs. But that doesn't mean there haven't been winners. The report also exposes the European arms and security firms as well as semi-public consultancy organisations booming off the surge in funding for border security systems and technologies.



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Stop Wapenhandel is an independent research and campaign organisation opposed to the arms trade and the arms industry. It campaigns against arms exports to poor countries, undemocratic regimes and countries in conflict areas. It also stands against the financing of the arms trade by governments, banks and pension funds.

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