

**MEMORANDUM TO THE DCI COMMITTEE**  
**Concerning the**  
**Annual action programme 2018 in favour of Latin America to be financed**  
**from the general budget of the Union**

**1. Identification**

Budget heading	DCI ALA 21.020100
Total cost	EUR 15 million of EU contribution
Basic act	Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action, and in particular Article 2(1)

**2. Regional background**

Latin America has changed and made progress in its development. Since 2002, 60 million people (out of a total population of 580 million) have been lifted out of poverty. There is now a historic opportunity for the continent to eradicate poverty, in particular extreme poverty, as well as to address key challenges which continue to hinder the continent's political and sustainable socio-economic development, and social cohesion. The EU development cooperation has been, alongside political engagement, trade and investment and sectoral dialogues, a crucial building block of relations. In this framework, a multiannual indicative programme for Latin America (LA) was adopted for the period 2014-2020.

The Regional programmes for 2014-2020 address a series of priority areas requiring joint cooperation efforts and approaches between the EU and the partner countries in the region:

- The security-development nexus,
- Good governance, accountability and social equity,
- Inclusive and sustainable growth for human development,
- Environmental sustainability and climate change.

The Annual Action Programme 2018 will focus particularly on the **security-development nexus**, in view to complement ongoing regional projects in the area of rule of law, citizen security and fight against drugs trafficking (EL PAcCTO, COPOLAD II, the Cocaine Route Programme).

Aligned with the 2030 Agenda and the European Consensus on Development, the present initiative falls within the context of the EU-CELAC (Community of Latin American and Caribbean States) Action Plan (2015-2017) as approved at the Brussels Summit (June 2015), that includes a significant chapter on Citizen Security.

By helping to address these challenges in Latin America, the EU can continue to contribute to meeting the EU's development objectives under the Development Cooperation instrument (DCI) aiming at continuous reduction of poverty and to

ensuring the region's sustainable development in all its dimensions. Such efforts would also translate in concrete terms the EU's strategic objectives of building a closer and more effective strategic partnership with Latin America both on bilateral matters and on global/multilateral affairs.

### 3. **Summary of the action programme**

The Annual Action Programme 2018 to be financed under the Development Cooperation Instrument will focus particularly on the **security-development nexus** of the Multiannual Indicative Programme for Latin America for the period 2014-2020. This priority aims at reinforcing the capacity of states to effectively ensure security conditions conducive for inclusive development.

Crime rates in Latin America are among the highest in the world. State institutions responsible for ensuring the key public goods of security, justice and rule of law are confronted in many countries with powerful and well-resourced organised crime interests (engaged in the drugs trade and other forms of trafficking), as well as high levels of regular crime. Porous borders are another serious issue. Insecurity in much of the region has important human, social and economic costs, and diminishes citizen trust in State institutions, thereby weakening the social contract which is essential for development to succeed.

The action entitled “*EUROFRONT*” included in the annual action programme 2018, will contribute to security, improved protection of human rights and social and economic development at national and regional levels in Latin America. It will strengthen Integrated Border Management (IBM) in Latin America, fostering cooperation within the countries of the region and with the Member States of the EU.

More specifically, the action will aim at: i) increasing the effectiveness and efficiency of border management at four significant land crossing posts in Latin America by introducing advanced elements of Integrated Border Management (IBM); ii) supporting the fight against human trafficking and smuggling of migrants.

Adopting a “variable geometry focus” which considers the political and geostrategic diversity among Latin American countries, the proposed regional programme is designed to be limited to some selected geographical areas and specific borders located in South America.

#### 1) Background:

Over recent years, the countries of Latin America have collectively enjoyed strong economic growth and macro-economic stability. Economic progress, in large part due to exports of natural resources from a region rich in biologic diversity, has translated into a higher profile and rising influence on global economic issues and in multilateral negotiations e.g. on climate change and sustainable development. Taken as a whole, the region has continued its progress in consolidating human rights and democracy.

Yet considerable challenges remain and the development gains of many Latin American countries are fragile. Despite improvement in some countries, the region remains the most unequal in the world. Poverty and income distribution trends as well as citizen perceptions of inequality indicate the need to promote more sustainable and equitable growth across the region and ask for greater efforts to ensure higher levels of social cohesion.

Latin America covers twenty million square kilometres, divided by 36 borders separating 18 countries. The total borderline extends to 41.120 km. In addition to illegal activities, borders are regularly used for movements of people and goods according to the different legal regimes. In vast areas of the continent, porous borders represent severe concern issues due to large territories with difficult geography, weak border surveillance and lack of state presence. This has resulted in the growing of non-formal border crossing points, which are often the locus of criminal phenomena such as drug and human trafficking, smuggling of migrants, as well as contraband. Security forces in the region face difficulties in dealing with transnational organised crime and suffer, at different degrees, from insufficient funding, shortage of troops/security forces and well-trained officers and lack of adequate technology and equipment. High social and economic inequalities in the region leads to a considerable percentage of the population being vulnerable to irregular migration and the recruiting for illegal activities by members of organised crime networks. In some Latin American countries, widespread lack of control is favouring the establishment of organised crime involved in drugs and human trafficking. Borders areas are becoming dangerous places due to the presence of criminal organisations.

As far as the fight against human trafficking and smuggling of migrants, significant advances have been made in Latin America over the past decade in the area of human trafficking more than in the area of migrant smuggling. However, there is limited capacity in ensuring Human Rights based approach in the identification process for victims of trafficking as well as vulnerable irregular migrants who have been/ are being smuggled, due to a lack of understanding and awareness of the operations of the constantly changing and complex international criminal networks. Countries in the north and south of the continent are just recently beginning to consider building a response to migrant smuggling and human trafficking seriously. There are many challenges to face in the regional standardisation of tools, focus, and overall cross-border coordination. Few countries in the region have a formal and structured migration policy (Paraguay is among the few ones) and thus, migration is often regulated and managed via *ad-hoc* and unsystematic policies and actions.

## 2) Cooperation/Neighbourhood related policy of beneficiary country

The continental nature of the challenges faced, and of the responses required, is widely recognised in the region. This is also reflected in the EU-LAC dialogue at the highest political level, as illustrated in outcomes of the EU-CELAC Summit, held in Brussels in June 2015. The Action Plan approved during the summit for the 2015-17 includes a chapter on Citizen Security that the present action contributes to.

This expression of ownership and political will on the part of all the countries of the region is an asset for the purposes of implementing EU cooperation responses at continental level.

Continental-level cooperation and integration initiatives under this programme will complement national and sub-regional efforts to tackle these challenges effectively and sustainably. They could also serve to foster continent-wide mechanisms for cooperation and dialogue.

3) Coherence with the programming documents:

The action proposed in this document (*EUROFRONT*) will directly contribute to the following priority of the Multiannual Indicative Programme for Latin America 2014-2020 (MIP):

**"Security-Development nexus"** that constitutes a focal sector under the MIP with a total allocation of EUR 70 million. The objective of the MIP is covered by the proposed programme.

4) Identified actions

The overall objective of EUROFRONT is to contribute to security, improved protection of human rights and social and economic development at national and regional levels in Latin America.

The Specific objectives are:

**Objective 1:** Improved capacity of border management agencies at selected borders in Latin America in transition to more effective methods of border management, introducing advanced elements of the EU Integrated Border Management (IBM);

**Objective 2:** Improved capacity of institutional actors in beneficiary countries to fight human trafficking and migrant smuggling in specific borders in Latin America, in compliance with international norms, standards and best practices.

5) Expected results

*Component 1:* Institutional capacity building of Border Management Agencies and other relevant institutions

**Result 1:** Strengthened capacity of selected Latin American countries (namely: Argentina, Brazil, Bolivia, Colombia, Ecuador, Paraguay and Peru) to uphold and enhance cross-border safety, security and efficiency, through enhanced migration, police, security and intelligence cooperation and coordination on harmonized procedures (incl. national legislation, enforcement and sentencing in line with international standards, and greater involvement of non-state actors in cross-border efficiency, safety and security matters).

*Component 2:* Support to the fight against human trafficking and smuggling of migrants at borders

**Result 2:** Anti-human trafficking strategies (legal and procedural instruments) in beneficiary countries' selected border crossing points are assessed, reviewed, upgraded and tested.

**Result 3:** Strategies aiming at countering migrant smuggling in beneficiary countries' selected border crossing points are developed and tested.

Component 1 will be implemented by Member States organisation(s) to be selected by the Commission's services, while the International Organisation of Migration (IOM) will implement component 2 of the action.

#### 6) Past EU assistance and lessons learnt

Evaluations of past continental programmes in Latin America have consistently shown their value, particularly in terms of improving capacities of local counterparts, access to services, evidence-based changes in policies and regulations. Programmes have also earned credibility with political and social leaders, with scaling-up of results achieved and strong links with continuity plans by partner governments. Current regional programmes have focused to an important extent on knowledge-transfer and peer learning (between the EU and Latin American countries; but also among Latin American countries). Such an approach is relevant for addressing the different development needs of all countries in the region, in particular poverty reduction. It allows ample scope for triangular cooperation, and for fostering regionally-owned solutions to regional challenges.

The EU should build on this experience and focus on areas such as citizens' security where the EU can provide clear added value.

Previous EU-funded programmes and actions in the area of border management (for example SEFRO programme implemented in Central America) have highlighted that despite substantial progress in the cross-country cooperation, regional borders in Latin America, albeit their great diversity of geopolitical contexts, remain porous to organised crime.

#### 7) Complementary actions/donor coordination

The programme will address a number of crosscutting issues thorough the implementation of its activities. The cooperation within the 2 components will contribute to a general increase of intra- institutional and inter-institutional cooperation and information exchange among the involved border agencies and other relevant institutions, both at national and binational/regional level. At the same time, it will enhance the knowledge of the border agencies about each other's priorities, strengths and challenges; this information is also relevant for international stakeholders active in this field. Improved national information exchange procedures have the side effect of raising awareness about information needs from neighbouring countries, and thus help to prepare the ground for intensified cross-border communication and cooperation in the future. The action will seek synergies with other EU-funded programmes in LA such as COPOLAD II, the Cocaine Route Programme and EL PAcCTO (Europe Latin America Assistance Programme Against Transnational Organised Crime). The proposed action would also have significant EU added value in that it would complement other on-going or planned initiatives related to border management/Cross-Border Cooperation/migration funded/managed by other Commission line DGs of under other financing instruments, such as actions funded by DG REGIO and focused on Cross-Border Cooperation or the MIEUX Initiative-scheme<sup>1</sup>. Finally, it will also complement actions on bilateral cooperation, as the one implemented by FIIAPP (Spanish acronym for Proyecto de Lucha contra el Narcotráfico en Bolivia - Support project in the fight against drug trafficking) in Bolivia as well as by the forthcoming IcSP-funded actions around the Venezuelan crisis. This includes also dialogue with other active donors at national level such as Canada or the US.

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<sup>1</sup> <https://www.mieux-initiative.eu/en/>.

**4. Communication and visibility**

The action shall contain communication and visibility measures that shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements. The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

**5. Cost and financing**

Project A - EUROFRONT	EUR 15,000,000
Total EU contribution to the measure	EUR 15,000,000

The committee is invited to give its opinion on the attached annual action programme 2018 in favour of Latin America.



# **ANNEX 1**

of the Commission Implementing Decision on Support to Integrated Border Management in Latin America - EUROFRONT

## **Action Document for “Support to Integrated Border Management in Latin America – EUROFRONT”**

1. Title/basic act/ CRIS number	Support to Integrated Border Management in Latin America – EUROFRONT CRIS number: LA/2017/038-936 financed under Development Cooperation Instrument			
2. Zone benefiting from the action/ location	Latin America (mainly Argentina, Brazil, Bolivia, Colombia, Ecuador, Paraguay and Peru)			
3. Programming document	Multiannual Indicative Regional Programme for Latin America 2014-2020			
4. Sector of concentration/ thematic area	Priority area no. 1 “Security-Development nexus”	DEV. Aid: YES <sup>1</sup>		
5. Amounts concerned	Total estimated cost: EUR 15,000,000			
6. Aid modality(ies) and implementation modality(ies)	Project modality: Indirect management:  - Indirect management with the entity to be selected in accordance with the criteria set out in section 4.3 (Component 1)  - Indirect management with IOM (Component 2)			
7 a) DAC code(s)	15210 – Security system management and reform 15130 – Legal and judicial development			
b) Main Delivery Channel	1300 – Third country government (Delegated co-operation) 4000 – Multilateral organisations			
8. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	X
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	X	<input type="checkbox"/>

<sup>1</sup> Official Development Aid is administered with the promotion of the economic development and welfare of developing countries as its main objective.

	Trade Development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. Global Public Goods and Challenges (GPGC) thematic flagship</b>	N/A			
<b>10. SDGs</b>	No. 10 “Reduce inequality within and among countries” (10.7. Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies) No. 16 “Promote just, peaceful and inclusive societies.” Goal 5, Goal 8.7			

## SUMMARY

The overall objective of the proposed action is to contribute to security, improved respect for, and protection of, human rights and social and economic development at national and regional levels in Latin America. The action will be constituted in two-fold: on the one hand to increase the effectiveness and efficiency of border management at four significant land crossing posts in Latin America by introducing advanced elements of Integrated Border Management (IBM) and on the other, to provide support to the fight against human trafficking and smuggling of migrants. It is based on the findings of the 2013 EU-commissioned “Study on EU Support for Integrated Border Management in the Latin American and Caribbean Region”<sup>2</sup> updated by Commission services, and considering a clear political momentum for border management-related issues in the region, coupled with a renovated interest in searching for avenues of international cooperation with the EU<sup>3</sup>,

The programme aims at: i) contributing to security, improved respect for, and protection of, human rights and social and economic development at national and regional levels in Latin America through increased effectiveness of border management at four significant land crossing posts; ii) supporting the fight against human trafficking and smuggling of migrants.

Adopting a “variable geometry focus” which considers the political and geostrategic diversity among Latin American countries, the proposed regional programme is designed to be limited to some selected geographical areas and specific borders located in South America. Under this view, this could play a role of catalyst within the region’s diverse regional/sub-regional integration processes (for example MERCOSUR) and existing bilateral cooperation schemes in tackling the IBM issue through a comprehensive approach.

<sup>2</sup> Study on EU Support for Integrated Border Management in the Latin American and Caribbean Region, ICMPD, 2013.

<sup>3</sup> And in light of the upcoming signature of the Global Compact on Safe, Orderly and Regular migration.



Aligned with the 2030 Agenda and the European Consensus on Development, the present initiative also falls within the context of the EU-CELAC (Community of Latin American and Caribbean States) Action Plan (2015-2017)<sup>3</sup> as approved at the Brussels Summit (June 2015), that includes a significant chapter on Citizen Security (chapter 10).

## 1. CONTEXT

### 1.1. Sector/Country/Regional context/Thematic area

Latin America (LA) covers twenty million square kilometres, divided by 36 borders separating 18 countries. The total borderline extends to 41.120 km.

In general terms, LA countries have advanced in their diverse integration process, establishing regional governing and coordination structures. Significant achievements on the facilitation of transit of people and goods through multilateral or bilateral agreements have been reached in the region, and this has led to a reduction of customs and migration controls. Regional Security Strategies have been developed, which also include priorities in border security. This has laid down the basis for the slow introduction of the concept of Integrated Border Management (IBM), which has, in turn, fostered the establishment of (transnational) inter-agency working groups on border issues and induced progress to ensure an effective and harmonised implementation of the standard rules and procedures on border control among countries in the region. In this respect, substantial progress has been made in the establishment of information systems and connection to INTERPOL databases such as the I-24/7 platform.

In addition to illegal activities, borders are regularly used for movements of people and goods according to the different legal regimes. Other problems occurred at crossing point by a lack of good border management such as excessive waiting time, multiple windows, etc.

In vast areas of the continent, **porous borders** represent severe concern issues due to large territories with difficult geography, weak border surveillance and lack of state presence. This has resulted in the growing of **non-formal border crossing points**<sup>4</sup>, which are often the locus of criminal phenomena such as drug and human trafficking, smuggling of migrants, as well as all sorts of contraband (from clothes and house goods or electronics, to weapons and wildlife products).

Security forces in the region face difficulties in dealing with transnational organised crime and suffer, at different degrees, from insufficient funding, shortage of troops/security forces and well-trained officers and lack of adequate technology and equipment. In addition, high social and economic inequalities in the region leads to a considerable percentage of the population being vulnerable to irregular migration and the recruiting for illegal activities by members of organised crime networks, which take advantage of the lack of coordination and connectivity

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<sup>4</sup> Some of which are being closed. See: “[Cerrarán pasos no habilitados entre Argentina y Chile](#)” (19 September 2017). “[Gobierno eliminará 56 pasos fronterizos no habilitados en el norte para evitar casos de narcotráfico y contrabando](#)”. “[Chile eliminará 56 pasos fronterizos no habilitados](#)” (31 March 2017).

between the police and other stakeholders involved in the management of borders, such as migration and customs services.

As an example, in the southern cone, Venezuela represents a major transit country for cocaine shipments via aerial, terrestrial, and maritime routes. Illicit drug flights arriving in Honduras are originated from Venezuelan states bordering Colombia. Colombian and Peruvian cocaine is smuggled into Brazil via the Amazon River, Bolivian cocaine enters Brazil across the 2127 miles land border on trucks, private vehicles, buses and via small (private) aircrafts. Most of the Andean cocaine transiting Argentina is smuggled across the Bolivian-Argentine border and is primarily destined to Europe. Paraguay produces one of the largest marijuana crops, mainly to export to Brazil and Argentina by land or air (via small private aircrafts), while the Northern Triangle formed by Foz do Iguazú (Brazil), Ciudad del Este (Paraguay) and Puerto Iguazú (Argentina) is a hub for trafficking of women, children and adolescents for sexual exploitation and other scourges violations of Human Rights -along with contraband of all types of drugs and merchandise. Victims, trafficked both regionally and internationally, mostly originate from Brazil, followed by Paraguay. The smuggling of weapons across borders is also of increasing concern, in the region.

In the Andean states, widespread lack of control is favouring the establishment of organised crime involved in drugs and human trafficking. The presence of Mexican cartels and the transit of irregular immigrants through Peruvian territory constitute a platform to enter Brazil. Borders areas are therefore becoming dangerous places due to the presence of criminal organisations. In Central America, and more in particular in the so-called “northern triangle” (Guatemala, Honduras, El Salvador) border control also faces immense challenges due, among other, to limited law enforcement capabilities, the fragility of state institutions to address the threats as well as widespread corruption and political interference<sup>5</sup>.

As far as the fight against human trafficking and smuggling of migrants, two distinct but highly interlocked phenomena, significant advances have been made in Latin America over the past decade, with several regional protocols and structures established to fight these crimes -along with modifications in national laws and regulations. In general terms, it is fair to say that the issue of human trafficking has advanced much more than the issue of migrant smuggling.

Overall, the level of interest in controlling and patrolling borders differ among countries in Latin America. While some have a more restrictive and conservative position, others have a more loose approach to border controls and border management.

As part of migration governance efforts, 30 countries have criminalised human trafficking through laws and regulations. However, considerable gaps in legislation and practical implementation persist. In Mesoamerica, the United States and Mexico have formed some cooperative multinational investigations to disrupt smuggling rings. In South America prosecution and investigation responses have been limited to national and occasionally bi-national, informal cross-border attempts, to confront the problem (although there are existing agreements at the MERCOSUR level -such as the Protocol for Early Detection of Cases of Human

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<sup>5</sup> DG DEVCO Roundtable on “Promoting Integrated Border Management (IBM) in Latin America. and sub-Saharan Africa”, 10-11 September 2013, with support from the International Centre for Migration Policy Development (ICMPD).

Trafficking). The region has improved investigative and prosecutorial procedures and has raised awareness on the topic, yet high-level public officials still do not know how to differentiate smuggling from trafficking and efforts have mainly focused on trafficking -rather than migrant smuggling. Despite these achievements, it is estimated that in Latin America, human trafficking represents a market of USD 16 billion each year, accounting for half of the world spending on human trafficking. Criminal networks continue to grow and evolve because of increasing and changing demand for irregular migration routes. Such is the case with the current flow from Venezuela, which opened venues for migrant smugglers to expand the business.

Concerning legislative arrangements and regulations, several countries in the southern cone have passed new migration laws or amended existing ones. For instance: Brazil has passed/enacted (by unanimity) a new migration law in 2017 (formally revoking the existing “Estatuto do Estrangeiro”, Law No. 6.815 from 1980<sup>6</sup>), with the aim of ensuring equal rights and opportunities to foreigners as if they were Brazilian citizens, as well as simplifying the procedures for entrance and residence in Brazil -a regulatory decree has been passed on 21<sup>st</sup> November 2017. The National Immigration Council published several additional normative resolutions, providing clarifying details on the new law (e.g. including information on changes to visa types, change of status and employer applications, and document legalization requirements). Argentina’s president, Mauricio Macri (elected in December 2015) passed a decree (No. 70/2017<sup>7</sup>) modifying the 2003 migration law, imposing a more restrictive approach to migration (accelerating/shortening administrative procedures to expel irregular migrants and migrants that committed crimes). The ruling has been highly criticized by civil society, which (with the support of some prosecutors and public officials), presented a request to declare it unconstitutional<sup>8</sup>. Paraguay has started -in 2016- the process to draft a new migration law, which at present is at the end stage in the congress. Bolivia has a new migration law (No. 370) since 2013, modified in November 2017 by Law No. 997<sup>9</sup>. Peru has a new migration law since 2017 (Legislative Decree No. 1350<sup>10</sup>), regulated by Supreme Decree 1 N° 007-2017-IN. Chile’s president Sebastián Piñera presented a new draft of migration law in 2013<sup>11</sup> (with further details added by his current administration in 2018)<sup>12</sup> with a focus on safe, orderly and regular migration, in line with the Global Compact on Migration.

Some countries have increased interest in controlling their borders, as cross-border crime arouse in past decades. For example: Argentina has recently developed a complex border-surveillance system with Israeli technology, tested in four pilot border-crossing points. Bolivia created a new police entity (DINAFRON) to patrol borders. Chile has shut down several irregular border-crossing points -so did Argentina. However, for others like Paraguay or Brazil there is still important work to enhance border control and security despite an official political will. Few countries in the region have a formal and structured migration policy (Paraguay is among the

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<sup>6</sup> <https://www2.senado.leg.br/bdsf/bitstream/handle/id/508142/000986045.pdf?sequence=>.

<sup>7</sup> Available at: [http://www.migraciones.gov.ar/pdf\\_varios/residencias/Decreto\\_70-2017.pdf](http://www.migraciones.gov.ar/pdf_varios/residencias/Decreto_70-2017.pdf).

<sup>8</sup> <https://www.infobae.com/sociedad/politicas/2017/10/25/la-justicia-avalo-el-decreto-de-macri-para-echar-extranjeros-las-deportaciones-aumentaron-3150-en-dos-anos/>.

<sup>99</sup> <https://www.migracion.gob.bo/upload/marcoLegal/leyes/Ley997.pdf>.

<sup>10</sup> [https://www.migraciones.gob.pe/wp-content/uploads/2018/03/ley1350\\_migraciones\\_reglamento.pdf](https://www.migraciones.gob.pe/wp-content/uploads/2018/03/ley1350_migraciones_reglamento.pdf).

<sup>11</sup> <https://aristeginoticias.com/0904/mundo/presidente-chileno-presento-nueva-ley-migratoria-y-anuncia-exigencia-de-visas/>.

<sup>12</sup> <https://www.gob.cl/nuevaleydemigracion/>. The previous one was from 1975.

few ones, passing it with the support of the IOM) and thus, migration is often regulated and managed via *ad-hoc* and unsystematic policies and actions.

Currently, there is limited capacity in ensuring Human Rights based approach in the identification process for victims of trafficking as well as vulnerable irregular migrants who have been/ are being smuggled, due to a lack of understanding and awareness of the operations of the constantly changing and complex international criminal networks. Those cases of trafficking that are ultimately identified result in only a 10% conviction rate. In South America, in 2013-2015, of the 806 cases processed, only 81 ended in some conviction. In Central America, only 290 victims were identified and, of those, only 56 cases were processed.<sup>13</sup> In Peru, the Ombudsman's office is currently working on a report on human trafficking and migrant smuggling. It is analysing judicial files of cases from all over the country -realizing that many cases are not properly solved due to failures in the system as basic as retaining irregular migrants and not smugglers, confusing smuggling with trafficking or vice versa, etc. (mistakes committed by migration officials, police officials, prosecutors and judges).

Countries in the north and south of the continent are just recently beginning to consider building a response to migrant smuggling and human trafficking seriously. Many, even some senior leaders, still do not understand that smuggling is a crime against the State that generates severe vulnerabilities for individuals to other crimes like trafficking. There are many challenges to face in the regional standardisation of tools, focus, and overall cross-border coordination. In response, in 2011, Central America created a regional platform for coordination and promotion of an integrated approach to combat these crimes. In South America, the Union of South American Nations (UNASUR) has discussed the creation of a similar regional platform that would coordinate the Southern Cone with the Andean region to promote a comprehensive approach to combat human trafficking, including measures to intervene, prevent, and punish traffickers, as well as to assist and protect the victims and their dependents. MERCOSUR has also developed case identification and referral guides focused on trafficking, and regional prevention campaigns.

Corruption among border agents (due to -among other-, low salaries and lack of strict human resource policies), coupled with high turnover of personnel and lack of presence of the central state in border areas impact negatively on the efficiency and effectiveness of border management and control.

Up north, in Central and North America, countries are working on a strategy to fight migrant smuggling, in the framework of the Mesoamerica Programme, with the support of IOM and UNODC.

### **1.1.1 Public Policy Assessment and EU Policy Framework**

In policy terms, **Border Management** is an integral part of the comprehensive concept of Security Sector Reform (SSR), which is the process of transforming the security system of a

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<sup>13</sup> IOM's 2016 review of Central and North American States' compliance to the Palermo Protocol against Migrant Smuggling.

country in order that it provides progressively more effective and accountable security to individuals and the state in a manner consistent with respect for human rights, democracy, the rule of law and good governance principles.

Supporting partner countries to reform their security systems substantially contributes to the EU's objective of peace and stability, inclusive and sustainable development and state building as well as of promoting democracy, the rule of law, human rights and the principles of international law. As recognized by the 2015 European Agenda on Security, emphasizing the strong nexus between the EU's internal and external security, conflict and insecurity in third countries, which sometimes correlate with violent extremism, also affect the EU's internal security, as well as the security of EU citizens and EU trade and investment interests abroad.

The new EC-HRVP Joint Communication presented on 5 July 2016 spells out single EU-wide SSR support framework. The Joint Communication on Capacity Building in Support of Security and Development – "Enabling Partners to Prevent and Manage Crises" , guides the EU's work on such capacity building and responds directly to the May 2015 Council conclusions. It reflects the Comprehensive Approach to external conflict and crisis in bringing together Common Security and Defence Policy (CSDP) and all other relevant Common Foreign and Security Policy (CFSP) tools as well as external action instruments and Freedom, Security and Justice actors, unifying and updating two previously separate EU policy concepts for SSR support. It will contribute to the effectiveness of the EU Global Strategy and the European Agenda on Security. It also considers relevant decisions of the OECD-DAC and, where applicable, OECD-DAC directives in the field of peace and security.

This framework applies to all EU actors and instruments: political/diplomatic, external action instruments, crisis response and CSDP civilian and military actors at all levels. EU Member States are encouraged to frame their bilateral SSR programmes within it, including through joint programming exercises, in line with Council conclusions on "Stepping up Joint Programming".

The proposed action is also entirely in line with the priority areas of the EU regional cooperation with Latin America included in the MIP 2014-2020<sup>14</sup> (priority area no. 1 "Security-Development nexus" and priority area no. 3 "inclusive and sustainable growth for human development").

In particular, the action would implement one specific objective/line of action of sector 3: *"Support for regional reform efforts, mutual learning and regional coordination and cooperation in the field of border management"*.

Furthermore, the proposed action would be in line with the priorities established by the new proposal on EU Consensus on Development, as well as the EU-CELAC Action Plan, and in particular with chapter 6 (Migration) and chapter 10 (Citizen Security).

The Latin American region shares a number of common issues concerning border management. These include (to varying extents) only partial capabilities to monitor border-crossing flows, a lack of border surveillance, insufficient information on criminal activities, insufficient infrastructure, lack of essential IT provision in operational facilities, lack of connectivity in IT

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<sup>14</sup> [https://eeas.europa.eu/sites/eeas/files/multiannual\\_indicative\\_regional\\_programme\\_for\\_latin\\_america.pdf](https://eeas.europa.eu/sites/eeas/files/multiannual_indicative_regional_programme_for_latin_america.pdf).

systems, gaps in legislation and regulations, lack of qualification and awareness on border management issues among border agents, transnational organized crime among border officials and insufficient coordination between multiple agencies involved in border security.

The issue of corruption is also common to all countries involved, as is the means of work (layback) by several public institutions, which are slow, inefficient and uncoordinated.

Rotation of personnel at the borders is one of the main challenges for any activity undertaken in the region. While rotation is good (e.g. to prevent corruption), it may not be ideal to rotate personnel without proper planning (e.g. some police or security officials who undertake activities in a central city may be rotated to a border area, with no qualification on border issues and challenges).

Intra agency cooperation is complex in various countries in the region as different institutions differ in their views and approaches on border management, and often compete to take the lead in specific issues (i.e. there is no overall “national IBM policy” and actions are often dispersed and uncoordinated).

Cross-border cooperation remains a challenge (Argentina does not cooperate fluently with Paraguay<sup>15</sup>, Bolivia and Brazil) and an opportunity.

### **1.1.2 Stakeholder analysis**

## **EUROFRONT TARGET COUNTRIES**

Eurofront will work in a specific set of countries in the LA region (selected and identified by the EU) and within them, at specific borders (selected by the beneficiary countries during the identification and formulation of the action). Pilot actions will test the feasibility of actions related to IBM in the region, while gaining confidence and visibility with partner countries.

**Colombia.** The country has developed migration and security systems implemented at its borders, allowing to control migrant flows more efficiently. All border-crossing points are connected to the I-24/7 Interpol system.

Colombia is part of the Andean Community of Nations (CAN). It signed a MoU with Ecuador for the Prevention and Investigation of the Crime of Trafficking in Human Beings and Assistance and Protection of Victims of Trafficking the Declaration on February 1-2, 2018, to be implemented by the entities that make up the Binational Committee for the Fight against Trafficking in Persons. The Plan of Action of the VI Binational Cabinet Colombia - Ecuador (held in Colombia on 15 February 2018) has an axis on Trafficking in Persons and Smuggling of Migrants; while the Plan of Action of the IV Binational Meeting Colombia – Ecuador speaks about Strengths and Challenges in the Fight against Trafficking in Persons,. It should be noted that this Plan implements the MoU mentioned above.

These actions strengthen bilateral relations with Ecuador. At the same time, they are supported by the Border Committees (“*Comités de Frontera*”) between sisters cities (cities that share

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<sup>15</sup> <https://py.usembassy.gov/our-relationship/official-reports/>.

international border crossing points) created at the local level. Those committees are in full operation with regular meetings between the authorities not only official but also civil society involved in the improvements of the border area where information is shared, and actions are coordinated to enhance and develop the area.

Actions shall be taken in order to improve IBM as training and organization to improve and reduce time crossing the border. Nowadays, there is not an integrated border point in Rumichaca but a coordinated crossing. Security at the borders rely mainly on the Border police and the National Police, both depending of the Ministry of Interior.

**Paraguay.** Paraguay is among the countries with the least institutional development in terms of border control and surveillance, in the region. Its poor economic conditions (one of the poorest in the South American region, after Bolivia) impact also in the number of staff members (and their low level of qualifications) that the country has at the borders. As an example, in the border crossing point of Puerto Falcón (border with Argentina), Paraguay has four migration officials, while Argentina has 20 (a similar disequilibrium applies in all borders). This impacts negatively in the speed of border checks, causing at times long queues and discomfort among travellers. Staff work on 24 hours shifts and earn very little (matter that makes them prone to corruption and receiving bribes for letting people in and out irregularly). Police and security forces at the borders are non-existent (nobody is present).

Public officials need awareness raising on border management in general, and on IBM in particular. The head of the Immigration Department changes (normally) on a yearly basis, challenging efficient management and development of migration policies. At the MFA, there is no department dealing with borders (Argentina's MFA Border Official expressed regret not to have a counterpart to discuss these issues with) and the topic is covered by the head of the Consular Affairs section.

Paraguay utilizes the MIDAS migration management system, purchased to IOM -which is at present operational in four border-crossing points and includes checks against the I-24-7. It is not certain whether this system is compatible with other systems of the target countries and some adjustments need to be made.

A new draft migration law is at the final stage in the parliament, and it appears that it will be approved after the inauguration of new President (August 2018).

**Bolivia.** While being the poorest country in the region facing serious socioeconomic challenges, Bolivia strikes hard to control its borders. Institutions tend to be weak in terms of border checks and control, yet some positive facets highlight:

- i) The country recently created an institution (within the Police forces) to deal with border issues (DINANFRON, the *Dirección Nacional de Fronteras*). The DINAFRON needs much support on all fronts, from infrastructure and equipment<sup>16</sup> to capacity building (staff from different police forces will be allocated to the DINAFRON and have no specific training on border matters), from institutional development (the DINAFRON started to operate at the Chilean border in the hope that it will enlarge its presence in other border crossing points, in 2018), to coordination with other state agencies and institutions and binational cooperation.

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<sup>16</sup> The head of the institution is sitting at present in La Paz in the former “*creche*” of the police forces, with paintings of Disney characters in the walls, on a wooden desk with no computer.

- ii) The Immigration department works closely with police forces which have staff seconded to work inside the immigration department (via a force called UPCOM<sup>17</sup>) at border crossing points to work on security and intelligence in border checks (e.g. profiling, document fraud, referral mechanisms of suspects/victims etc).
- iii) There are office spaces for prosecutors at specific border crossing points (although these are not present regularly).
- iv) The country implemented *Puestos Móviles de Control Fronterizo*, with the support of the EU<sup>18</sup>.

The positive aspects are shadowed by negative ones such as the rapid increase of cross border crime (contraband of goods, drugs, fuel and the like). Sexual exploitation of women -some of which are victims of human trafficking (international and internal) is also of high concern in the country. Police forces are not enough deeply trained to detect and investigate these crimes - with the exception of a few staff members working at central level at the FELCC (who need and request further capacity building to detect and investigate new types of crime such as cybercrime in connection with migrant smuggling and human trafficking).

The strength of the local communities at borders (civil society) often challenges implementation and rule of law. As an example, when the army was to be placed at a border crossing point such as Desaguadero -where EUROFRONT will operate-, the local community working on smuggling of goods-drugs, etc.- pushed the effectives out of the area, having to go back 30 km away, to set their check point. The Custom department also experienced a similar challenge, as their office was burnt when they intended to increase controls on goods, a while ago. Public officials at border points (police and migration) do not feel the presence of the (central) state and thus, see themselves “alone” with the challenges faced, in front of their faces and with limited tools to deal with illegal activities.

The federal migration office (DIGEMIG) is developing its own (open source) migration management system connected to the I-24-7. The development of the system is a priority for the country (concerned and reluctant about the purchasing of a system to a private company who will keep access and expertise for upgrades, affecting high costs *at in eternum*) yet it is taking staff members a while to implement all functions. The support of EUROFRONT could be of great assistance -also to ensure that it is compatible with other migration management systems of other countries, so that information exchange is feasible among actors.

There is limited knowledge on smuggling and trafficking, among public officials. There is only one former (female) prosecutor and one (female) police officer from FELCC who are well qualified on trafficking issues. However, as prosecutors are based in Sucre and police forces from FELCC in La Paz, communication and coordination is slow and inefficient. Prosecutors in Sucre are not easy to reach by external actors such as international ones (all requests of meetings and cooperation activities must go via the General Prosecutor’s office, which entails a lot of delay in any action undertaken in this regard).

**Brazil.** The country shares land borders with every country in South America, except for Chile and Ecuador, in 16,885 kilometres (10,492 mi) -the world's third longest land border, behind China and Russia.

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<sup>17</sup> Unidad de Apoyo Policial al Control Migratorio.

<sup>18</sup> <https://www.migracion.gob.bo/upload/infomign7.pdf>.



Nowadays, priorities are in line with the flow of Venezuelan migrants arriving every day in the northern part of the country where armed forces have been mobilised for safety and security, to support the authorities involved in migration control, provide shelters and avoid interference with local population's normal activities.

There is need for capacity building by means of improvement of human resources management and consolidation of joint training routines between the institutions, oriented towards integrated action and proposals for practical courses/internships - offered by the member institutions. There is also necessities to strengthen the migration control with proposals for adjustments and increase in the mechanisms of migration flows, improve the system and disseminate the rules governing movements into and out of the country.

The Brazilian Ministry of Foreign Affairs (Itamaraty, which coordinates all international cooperation programs (via the Brazilian Cooperation Agency<sup>19</sup>) and the Federal Police (which is the control authority at all border crossings) support Eurofront and agree with the proposed objectives. The immediate responsibility of law enforcement at the borders lays out to the Federal police and the tripartite command in the case of the Triple Frontera.

**Ecuador.** The country has a computerized immigration system that allows it to control the regular entry of people at all its border crossings. Numerous agreements have been signed with several countries, including Colombia, to combat human trafficking and irregular migrant smuggling.

Despite the efforts made by the government and existing international assistance, support is needed to improve controls and security on the border with Colombia where ex FARC combatants who did not adhere to the Peace agreement, illegal miners, smugglers and all type of criminal activity forced the Colombian and Ecuador government to mobilise the army forces to patrol the border. This is especially the case in the eastern part where FARC ex-combatants have settled and transform themselves in criminal gangs in charge of drug trafficking, kidnapping and human trafficking.

There are numerous unauthorized border-crossing points that are used by criminals for smuggling and transnational crime. There are three authorized crossings with Colombia but a long border that is easily used with criminal intent or not as they are used by indigenous people living on both sides of the border. In the case of the Rumichaca area located between the cities of Ipiales (Colombia) and Tulcán (Ecuador) and due to the economic differences between the two towns, there is an illegal traffic of goods for daily use through different unofficial crossings that can be used for criminal activities at the same time.

The increase in the flow of Venezuelan migrants to Ecuador, Peru and then to Chile and Argentina of approximately 4.500 people per day has increased the efforts of the authorities in both sides to keep the border crossing operational.

Ecuador created recently a Common Task Force under the authority of the Ministry of Defence. This Task force is in charge of law enforcement at the borders.

**Peru.** Together with Argentina (and Brazil), Peru has a well-established setup concerning migration and border management issues. There are several specialized prosecutors following issues of trafficking and smuggling and legislation and operational protocols are constantly

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<sup>19</sup> Official website: [http://www.abc.gov.br/training/informacoes/abc\\_en.aspx](http://www.abc.gov.br/training/informacoes/abc_en.aspx).

evolving. The country has a new migration law (and regulatory decree) from 2017<sup>20</sup> and a law which regulates the crimes of migrant smuggling and human trafficking (jointly) -followed by operational protocols on inter-institutional cooperation. The country has “regional roundtables” (inter-institutional, including local authorities) working on human trafficking and migrant smuggling issues, which work in close coordination with the central authorities in Lima. The country has signed bilateral agreements (on migration, border issues, human trafficking, and migrant smuggling) with various countries in the region, including with Bolivia, Ecuador and Argentina. Via a 40 million dollars investment project, Peru built a new *Centro Binacional de Atención en Frontera*, CEBAF (joint official border crossing point, regulated by the CAN Decision 502<sup>21</sup>) in the city of Desaguadero, neighbouring Bolivia. The new CEBAF is expected to improve drastically security and efficiency in the border between Bolivia and Peru (in terms of cars, buses and cargo). However, local traffic on foot will remain outside the CEBAF and continue via the traditional border crossing point via a small bridge along a river -which is the source of much smuggling of goods, drugs and the like, as control and patrolling is poorly performed, especially on the Bolivian side. Much capacity building is needed among border officials from all ministries involved. Building of social cohesion and social support in the improvement of border checks and surveillance also remains a challenge, as any action needs to count with the support of the local population (used to operate and profit from irregular businesses and poor rule of law from central state), especially in the Bolivian side of the border.

**Argentina.** The country has a solid setup on border management and control, although challenges exist on several border crossing points regarding illicit activities and inefficiency. A renewed interest on border surveillance and security emerged under President Mauricio Macri's government. Argentina has -since a while already- quite a solid institutional setup: e.g. the Federal Migration Department counts with a training department, a specialized group of trainers and a department for statistical analysis and migration intelligence. The MFA has a special Border Department (“*Límites y Fronteras*”) with knowledgeable staff and a specialized department at the prosecutor's office to deal with trafficking (and recently, smuggling) issues.

Gendarmería Nacional and Prefectura Naval are the law enforcement agencies dealing with border security and are controlling the borders with five countries. Both are solid institutions and strengthen their capacity through provision of specialized training would increase their capacity to fight against international organized crime and make more safe and secure borders.

There is renewed interest in border control and surveillance by the Ministry of Security -which e.g. purchased Israeli equipment for border surveillance.

While the topic of trafficking is well addressed by several actors (via SOPs, trainings, a law and regulations), the issue of smuggling (while addressed in the migration law) has not been deeply addressed -often deriving on smuggling cases being undetected or judicial causes archived.

## OTHER ACTORS

ICMPD (International Centre for Migration Policy Development) has been active in the region, on IBM, trafficking and smuggling, for more than 10 years. In IBM, ICMPD has undertaken the EU-commissioned "Study on EU Support for Integrated Border Management in the Latin American and Caribbean Region", which is the basis for the present action. Between 2013 and

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<sup>20</sup> Available at: [https://www.migraciones.gob.pe/wp-content/uploads/2018/03/ley1350\\_migraciones\\_reglamento.pdf](https://www.migraciones.gob.pe/wp-content/uploads/2018/03/ley1350_migraciones_reglamento.pdf).

<sup>21</sup> <http://www.comunidadandina.org/Seccion.aspx?id=123&tipo=TE>.

2015, within the framework of the EU-funded regional programme “*Seguridad Fronteriza*”, it also provided support services to SEFRO/SICA with the aim of ensuring national, bilateral and regional inter-institutional coordination, as well as the planning, monitoring and assessment of operational activities. In trafficking and smuggling, ICMPD has established long-standing cooperation with the Brazilian Government and conducted the ENAFRON research – assessment of trafficking in persons in border areas. Furthermore, within the framework of the EU funded initiative Migration EU Expertise (MIEUX)<sup>22</sup>, ICMPD has provided capacity building on IBM (Costa Rica, Mercosur, Panamá, and SICA Actions) and on THB and smuggling (Argentina, Brazil, Bolivia, Colombia, Costa Rica, Iberred, Paraguay, Peru I, II and III) for government officials.

The IPPDH<sup>23</sup> (Institute of Public Policies on Human Rights) of MERCOSUR -a relatively recently established institution which is gaining force in the region-, is focused on research, training, policy development and project implementation<sup>24</sup>. It has implemented several actions related to international migration and will undertake research and capacity building actions on human trafficking, in coming months (in cooperation with IOM).

### MAIN RELEVANT UN Agencies

UN Agencies like UNICEF (concerned by children trafficking) or UNCHR (refugees and persons in need of international protection) are involved in many actions and programmes which influence border issues. UNHCR has been actively involved in the region recently, concerning the increase of outward migration, from Venezuela. It has deployed new staff in various countries (e.g. it opened an office in Peru) and been much engaged in promoting the protection of persons in need of it.

IOM has implemented actions in the region on the three topics of Eurofront, with more emphasis on migrant smuggling and human trafficking. On IBM, the IOM has provided support to Paraguay offering the Migration Data Analysis System (MIDAS), its border management information system. It has supported MERCOSUR on trainings for public officials via the *Foro Especializado Migratorio* (FEM) and the *Reunión de Ministras y Altas Autoridades de la Mujer* (RMAAM)<sup>25</sup> of MERCOSUR, including trainings on border areas. It supports the development of standardised data management, analysis and mapping tools to collect reliable data on population movements and intentions to prevent, plan and respond according to their needs - as such, it has recently utilized the Displacement Tracking Matrix (DTM) tool to monitor flows of venezuelan migrants.

UNODC<sup>26</sup> is engaged in programs against narcotics, small arms, corruption, piracy, justice etc. Their action is essential at the airports and seaports (programmes such as SEACOP-AIRCOP). It is implementing the GloACT (Global Action against Trafficking in Persons and the Smuggling of Migrants 2015-2019)<sup>27</sup> action Colombia and Brazil.

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<sup>22</sup> <https://www.mieux-initiative.eu/en/where-we-work/latin-america-and-caribbean>.

<sup>23</sup> <http://www.ippdh.mercosur.int/convocatoria/>.

<sup>24</sup> <http://www.ippdh.mercosur.int/organizacion/>.

<sup>25</sup> <http://www.mercosur.int/innovaportal/v/7222/5/innova.front/reunion-de-ministras-y-altas-autoridades-de-la-mujer-rmaam>.

<sup>26</sup> Often with EU financing

<sup>27</sup> <http://www.unodc.org/unodc/en/human-trafficking/glo-act/index.html>.

## Priority areas for support/problem analysis

The EU IBM concept consists of the following dimensions:

- **Border control** (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;
- **Detection and investigation of cross-border crime** in coordination with all competent law enforcement authorities;
- **Co-ordination and coherence** of the activities of the Member States and Institutions and other bodies of the EU;
- **Inter-agency co-operation** for border management (border guards, customs, police, national security and other relevant authorities) and international co-operation; and
- The **four-tier access control model** (measures in third countries, co-operation with neighbouring countries, border control, control measures within the area of free movement, including return).

Building on this concept, the 2010 “Guidelines for IBM on EU External Co-operation”<sup>28</sup>, has proved to be a powerful tool to initiate and to guide co-operation in this area. This reference policy document defines IBM in an external cooperation context as “*national and international coordination and cooperation among all relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management (...)*.”<sup>29</sup>

Central to this model is the facilitation of movement of goods and persons, concurrently preventing cross-border crime and protection against threats to national security, order, economy and public health.

Furthermore, the Guidelines for IBM in EU external co-operation point to the interdependency of various key areas of support, namely:

**Area 1 - Legal framework.** This includes: legislation and regulatory reform, harmonised legislation in country and cross-border, alignment with EU and/or international standards.

**Area 2 - Institutional framework.** This includes: institutional reform, formal co-operation mechanism, conditions of service, career development.

**Area 3 - Human Resources** (capacity building and training). This includes: (Joint) training programs and in-house trainers; HR management; ethics and integrity of public service.

**Area 4 - Procedures.** This includes: harmonisation of procedures; risk analysis; joint controls and joint operations; exchange of information (horizontal and vertical).

**Area 5 - Infrastructure and Equipment.** This includes: construction and refurbishment of customised BCP; IT and communication tools; basic equipment (search equipment, tools, protective wear, etc.); specialised equipment (cargo scanning, documentation verification, detector dogs, transportation, etc.).

Specific Objective 1 of EUROFRONT is built along those dimensions. It will support cooperation in the context of IBM, as follows:

<sup>28</sup>

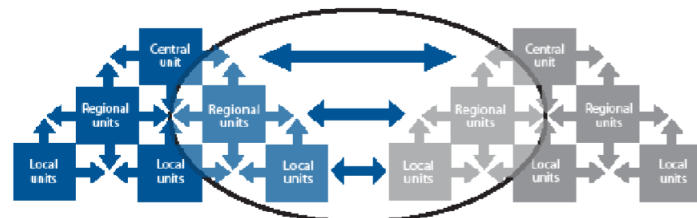
<https://europa.eu/capacity4dev/ibm-eap/document/1-guidelines-integrated-border-management-european-commission-external-cooperation-european>.

<sup>29</sup> *Guidelines for Integrated Border Management in European Commission External Cooperation*, November 2010.

### 1. Intra-service cooperation.



### 2. Inter-agency cooperation



### 3. International cooperation.

According to the aforementioned EC-commissioned study on EU support to IBM in Latin America and the Caribbean<sup>30</sup>, the levels of border security, cooperation among border agencies, harmonisation and coordination of policies, the development of capacities and the use of IT systems are still relatively weak in the region. Gaps and weaknesses are especially noticeable in terms border checks and border surveillance, the effective use of risk analysis, inter-agency cooperation, as well as communication and information exchange, including the use of common databases. Limitations have also been observed when it comes to infrastructure, appropriate facilities and technical equipment.

The study concludes that the need for border management development in the region is high and underlines the fact that the integration processes initiated in the region, despite its limitations, could be utilised as entry points for “extending, enhancing and anchoring IBM cooperation”. Its main recommendation, at the continental level, is the provision of technical assistance based on the demand-driven principle and the possible establishment of a Regional Training Facility for IBM. An external mission took place in 2018; it confirms the validity of most of the 2013 conclusions and that Latin American countries have a similar understanding of the IBM concept to the UE but they lack the knowledge and capacity for a full implementation.

## 2. RISKS AND ASSUMPTIONS

Risks	Risk level (H/M/L)	Mitigating measures

<sup>30</sup> Study on EU Support for Integrated Border Management in the Latin American and Caribbean Region, ICMPD, 2013.

Insufficient political involvement of institutions and stakeholders (nationally or regionally) connected to Border Management and migration issues in LA countries	L	Enhanced political dialogue carried out at Brussels level in the framework of EU-CELAC Action Plan (Chapter 10) and by EU Delegations in the affected countries
Poor institutional and operational coordination within the partner countries due to political rivalries and/or disorganization	M	The programme foresees that the stakeholders at senior and operational level will be familiarized with the concept of IBM and the importance of inter-agency cooperation therein. This will be further supported through the presentation of best (and also relevant negative) practices of EU MS by international experts and during possible study visits to EU MS
Frequent changes of national programme's counterparts, both at senior and at operational levels	M	Constant policy dialogue through programme's implementation unit and supported by the EU Delegations of the affected countries
Political changes or elections as well as legislative elections could have a great impact on the development of the Programme at the national (and probably regional) levels)	M	Constant policy dialogue through programme's implementation unit and supported by the EU Delegations of the affected countries
Reluctance to change by affected persons	M	Constant political and policy dialogue through programme's implementation unit and supported by the EU Delegations of the affected countries
Uneven level of IBM implementation in different contexts	M	Technical assistance and policy dialogue to tackle unbalances.
Trafficking and smuggling moves to weaker non-focus countries and borders.	M	This programme a pilot (learning) phase. Best practices will be transferred to other borders and countries
Investments needs are not fulfilled by the partner countries.	L	The choice of borders has been made according to the political will.
Corruption of public officials	L	By having a more integrated management and better-known procedures, corruption should decreased.

Resistance by local population for who cross-border trade is affected	L	Being mainly basic commodities, specific regimes often exist and little trade are affected.. Constant dialogue should reduce the potential impact.
<b>Assumptions</b>		
1. Involved LA partner countries agree and are committed to improving the border management situation both at national and transnational level and at the need for a better surveillance/security of their borders. 2. Involved LA partner countries agree to implement international standards and best practices related to the Integrated Border Management. 3. Sustained political will to fight against transnational organised crime (trafficking and smuggling of migrants) are essential prerequisites 4. Involved partner countries will ensure sustainability and durability of the Programme by making available the necessary human, financial and material resources		

### **3. LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES**

#### **3.1. Lessons learnt**

Previous EU-funded programmes and actions (for example the SEFRO programme implemented in Central America) have highlighted that despite substantial progress in the cross-country cooperation, regional borders in Latin America, albeit their great diversity of geopolitical contexts, remain porous to organised crime.

#### **3.2. Complementarity, synergy and donor coordination**

The programme will address a number of crosscutting issues thorough the implementation of its activities. The cooperation within the 2 components will contribute to a general increase of intra- institutional and inter-institutional cooperation and information exchange among the involved border agencies and other relevant institutions, both at national and binational/regional level.

At the same time, it will enhance the knowledge of the border agencies about each other's priorities, strengths and challenges; this information is also relevant for international stakeholders active in this field. Improved national information exchange procedures have the side effect of raising awareness about information needs from neighbouring countries, and thus help to prepare the ground for intensified cross-border communication and cooperation in the future.

The proposed action would seek synergies with other EU-funded programmes in LA such as COPOLAD II, the Cocaine Route Programme and EL PACCTO (Europe Latin America Assistance Programme Against Transnational Organised Crime).

The proposed action would also have significant EU added value in that it would complement other on-going or planned initiatives related to border management/Cross-Border Cooperation/migration funded/managed by other Commission line DGs of under other

financing instruments, such as actions funded by DG REGIO and focused on Cross-Border Cooperation or the MIEUX Initiative-scheme<sup>31</sup>.

Finally, it will also complement actions on bilateral cooperation, as the one implemented by FIIAPP in Bolivia as well as by the forthcoming IcSP-funded actions around the Venezuelan crisis. This includes also dialogue with EU Member States implementing similar actions and other active donors at national level such as Canada or the US.

### **3.3. Cross-cutting issues**

This programme is relevant for the Agenda 2030. It contributes primarily to the progressive achievement of SDG Goal 16, which is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels, notably its target to strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime. It will also promote progress Goal 8.7 which focusses on human trafficking and towards Goal 5: Achieve gender equality and empower all women and girls.

Supporting the IBM concept and operationalisation will also imply tackling specific crimes such as those related to the protection of the environment. These crimes encompass a broad list of illicit activities, including illegal trade in wildlife, smuggling of ozone-depleting substances (ODS), illicit trade of hazardous waste, illegal, unregulated, and unreported fishing, and illegal logging and trade in timber.

The promotion and protection of human rights (HR) are at the core of the proposed intervention. On one hand, the action seeks to enhance law enforcement and criminal justice effectiveness against transnational crime. This should lead to an increase in the number of criminal cases resulting in conviction and in the dismantling of an important number of criminal structures. On the other hand, in line with the 2016 Joint Communication to the European Parliament and Council “Elements for an EU-wide strategic framework to support security sector reform”, the specific component focusing on the support to the fight against human trafficking and smuggling of migrants will substantially contribute to the improvement of Human Rights (including those of women and children) related to criminal phenomena such as forced labour exploitation and sexual exploitation.

The proposed action is also in line with the "Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020", by contributing to the achievement of priorities on “Physical and Psychological Integrity” and of “Economic, Social and Cultural Rights”. Gender equality will be promoted through (i) the adoption of a regulatory framework and the integration of a gender approach in investigation and border control methods, (ii) women representation in training, and (iii) the development of the gender dimension in the curricula of the training.

The involvement of civil society members and leaders in specific activities of the action (under both components) will contribute to social cohesion.

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<sup>31</sup> <https://www.mieux-initiative.eu/en/>.



### 3.4. Beneficiaries

**Target groups:** Agencies in charge of border surveillance and border checks: border guards/police; coast guard (in fluvial borders, as Desaguadero, Triple Border and Aguas Blancas-Bermejo); immigration service; armed forces; specialized law enforcement and intelligence agencies. While customs agencies, plants and plants products inspection agencies and live animals and products of animal origin inspection agencies, food and feed of non-animal origin inspection agencies, and agencies in charge of human health check are also included in the EU IBM paradigm,. In Eurofront, they will only be included as secondary actors in activities (invited when relevant), as the Programme does not focus on custom controls and on sanitary and phytosanitary issues.

**Final beneficiaries:** Border communities, children, women, society at large, in target countries and the region.

### 3.5. Objectives/results/components

#### Overall objective

Contribute to security, improved respect for, and protection of, human rights and social and economic development at national and regional levels in Latin America through increased effectiveness of border management at four significant land crossing posts<sup>32</sup>. Supporting the fight against human trafficking and smuggling of migrants.

#### Specific objectives

Specific Objective 1: Improved capacity of border management agencies at selected borders in Latin America in transition to more effective methods of border management, replicating best practices of the EU IBM paradigm.

Specific Objective 2: Improved capacity of institutional actors in beneficiary countries to fight human trafficking and migrant smuggling in specific borders in Latin America, in compliance with international norms, standards and best practices.

#### Expected results (and components)

Component 1: Institutional capacity building of Border Management Agencies and other relevant institutions

**Result 1:** Strengthened capacity of selected Latin American countries (namely: Argentina, Brazil, Bolivia, Colombia, Ecuador, Paraguay and Peru) to uphold and enhance cross-border safety, security and efficiency, through enhanced migration, police, security and intelligence cooperation and coordination on harmonized procedures (incl. national legislation, enforcement and sentencing in line with international standards, and greater involvement of non-state actors in cross-border efficiency, safety and security matters).

Component 2: Support to the fight against human trafficking and smuggling of migrants at borders

**Result 2:** Anti-human trafficking strategies (legal and procedural instruments) in beneficiary countries' selected border crossing points are assessed, reviewed, upgraded and tested.

**Result 3:** Strategies aiming at countering migrant smuggling in beneficiary countries' selected border crossing points are developed and tested.

### **3.6. Main activities**

Activities will be implemented primarily in border areas, with some of them taking place in the capitals of beneficiary countries. As the conditions and situations of countries participating in Eurofront differ, there will be regional differences in project implementation: e.g. the action may exceed expectations in those jurisdictions where institutions are more solid and with more political support, but fairly completed in places where actions may be blocked by community leaders or other influential figures.

#### **Component 1: Institutional capacity building of Border Management Agencies and other relevant institutions**

This Component aims to contribute to the development of the sustainable capacity of Latin American border agencies and other relevant institutions by further developing their institutional arrangements and their human resource policies, following the principles of IBM in theory and practice and in compliance with international law-enforcement standards and norms.

- Research
- Expert/senior level meetings
- Workshops/trainings/seminars (national, binational and regional)
- Technical assistance
- Study visits
- Joint practical exercises/operations
- Equipment

Detail of some activities:

#### **Research**

Policy-oriented research -in the form of baseline assessments-gap analysis studies in the target border areas, will guide the action. A two-week field visit by an expert/team of experts in selected borders is fundamental to grasp the details of what is needed and what is possible, in the framework of the action. The results of gap analysis studies will be shared with high-level public officials.

#### **Expert/senior level meetings**

Being a highly sensitive topic, senior level meetings on IBM and related topics must be the basis for all other activities of Component 1 of Eurofront. These high-level meetings will have two components: on a one hand, a capacity building component (e.g. raising awareness of IBM

among officials, including experiences from the EC) and on the other, provide a space for informal work and discussion (coffee break like) for public officials who do not often meet to engage in joint actions.

### **Workshops/ trainings/seminars**

These will be demand driven to address capacity-building needs in LA countries at national, bilateral or regional levels. Overall, the aim is to harmonize training methods and contents in the target countries, by working closely with training departments of the various institutions involved in the action, bringing them together and building networks among them, for sustainability reasons.

In line with the Global Compact on Migration (GCM) whole of government approach, national trainings and workshops will bring together actors from different sectors within one ministry and different ministries dealing with migration and border control and management and related issues. It will also include a mix of operational staff or mid/high-level management. In line with GCM whole of society approach, trainings and workshops will also bring together civil society actors so that they are included in the final equation. Some actors (such as NGOs staff members or researchers) may be brought in as part of the training/facilitation team, while others, may be invited as participants (e.g. members of local authorities or members of transport companies) or consulted in the preparation of training activities (e.g. union leaders of border transport companies or border trade unions). The training needs are evaluated via training needs assessments. The emphasis is placed on specialised training combining theory and practice. Evaluation of acquired skills is performed via innovative methods (e.g. “mystery traveller” approach).

Some trainings will be national, others binational and others trinational or regional, depending on the topic.

Some of the topics for trainings shall include<sup>33</sup>:

- Document security<sup>34</sup>
- Identity impersonation
- Human rights at borders
- Ethics and corruption
- Crime investigation
- Intelligence in border management
- International protection and mix migration flows

All capacity building activities will all be gender responsive and child sensitive, in line with the GCM and human rights will be foreseen at all times, in line with the OHCHR Recommended Principles and Guidelines on Human Rights at Borders<sup>35</sup>.

### **Training of trainers (ToT)**

All training of Eurofront is regarded in views of a long term impact. As such, training of trainers is fundamental to promote sustainability of the action. While some target countries have well established and relatively well qualified training staff in migration and border management

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<sup>33</sup> See page 26 on qualifications that border officials should have:

<sup>34</sup> Document security trainings should have a follow up with a testing phase to test knowledge acquired by participants, e.g. via an “undercovered agent” (agente encubierto), playing the role of a migrant using a fake or countervailed document.

<sup>35</sup> [http://www.ohchr.org/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf).

agencies, others lack such capacities. In this regard, ToTs will foster cross-border cooperation of training agents in views of building a regional network of training authorities specialized on IBM issues. The ToT cover both a content part (what to teach) and a methodological part (how to teach).

### **Study visits**

Study visits will emphasise practical and direct knowledge and good practices transfer, as well as provide an opportunity to gain first-hand experience on specific topics in an international environment, create a network of contacts, and gain a new attitude towards challenges in the national context. Moreover, the study visits reflect to on-the-job trainings for medium and senior staff on different areas. Study visits will be reserved for senior officials, preferably with fix term contracts and with long-term experience on border issues (and prospects of staying in that position). Formally, ToR for study visit participants shall be developed (to ensure that the right candidates fitting the profile are selected and appointed). Informally, advise shall be seek from CSOs on the identification of the most suitable candidates. Visits will be done to other beneficiary countries, other countries in Latin America and EU countries.

### **Technical assistance**

Technical assistance is provided on the basis of findings, gaps and needs/recommendations, and tailored assessment through a peer-to-peer approach with direct support to the beneficiary country/institution. During missions, international and national experts work together, exchange practices and jointly develop relevant outputs on the spot. Additionally, where needed, follow-up consultations take place via email or phone/video conference.

Some actions may include:

- assessment and upgrade of IT systems (migration management, security, intelligence).
- assessment of interoperability of IT systems and development of mechanisms to facilitate interconnectivity.
- development of new IT solutions (e.g. apps, webs, etc.)
- upgrade and development of SOPs
- purchasing and operationalisation of equipment

### **Joint practical exercises/operations**

Joint practical exercises/operations aim at developing practical skills of inter-agency cooperation on risk analysis, strategic planning, vehicle search, etc. The exercises are tested at the pilot border crossing points, and possible follow-on seminars are organised and delivered by LA trainers to their colleagues in other BCPs during implementation period and/or after its completion.

Joint investigations may be foreseen, yet these “require a joint judicial procedure with a full understanding of legal limitations and areas of national sovereignty in respect of prosecution”<sup>36</sup>.

### **Equipment**

Basic equipment is to purchase and install/operationalize upon demand. The baseline assessment/gap analysis should identify key materials to purchase, to carry out programme activities and achieve results and objectives. This may include: optic fibre, CCTV equipment,

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<sup>36</sup> Page 68, IBM Guidelines.

biometric material, computers, scanners, printers, and the like. Details of these provisions will be narrowed down at the contractual phase.

## **Component 2: Support to the fight against human trafficking and smuggling of migrants at borders**

This Component aims to support further development of legal and procedural instruments, and to introduce advanced practices to support the fight against human trafficking and smuggling of migrants through Latin America. This includes specifically ensuring proper identification of, and protection for, vulnerable persons, promoting advanced local border traffic regimes (e.g. *tránsito vecinal fronterizo* or TVF<sup>37</sup>), and the use of examples from the EU's external borders.

Furthermore, successful counter migrant smuggling operations must focus on building three well-functioning core structures:

- 1) Acquisition of actionable intelligence,
- 2) Close collaboration between enforcement and social service agencies in the field and in follow-up actions such as prosecutions paired with victims' assistance, and
- 3) Durable migration solutions for the remaining caseload of persons who were being smuggled and often find themselves stranded.

All three of these structures are built on strong inter-agency teaming schemes that in turn build integrated processes, operations and reporting systems. These are greatly enhanced by functioning cross-border bi-national and international cooperation agreements, or protocols, that detail how business will be done in areas such as intelligence, communication, data and burden sharing and incident response.

### Detail of some activities:

Improve cross-border, regional, and hemispheric coordination for implementing activities with an integrated approach to fight these crimes.

- Promote and strengthen bi-national coordination to advance existing cross-border commitments;
- The creation of South American regional coordination platforms;
- Training of national coalitions against these crimes in the beneficiary countries; and
- Exchange of information between the two sub-regional platforms in implementing ongoing training and updating for public officials.

Improve hemispheric coordination in the identification and assistance of victims in trafficking in persons and migrants stranded by smugglers.

Activities will promote the development and implementation of tools that facilitate the coordination between countries, when necessary, as part of the identification and assistance

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<sup>37</sup> <https://www.migracion.gob.bo/upload/marcoLegal/normInternacional/1500.pdf>.

process for victims of trafficking in persons (e.g. action protocols, case referral sheets) and stranded migrants.

Strengthen national, regional, and inter-regional coordination and joint effort mechanisms for the prosecution and fight against the crime of trafficking in persons and the smuggling of migrants

Planned activities include actions to strengthen training for the investigation, prosecution, and punishment of these crimes, such as criminal assistance, binational agreements on investigation and punishment, and using appropriate tools for proper training at the national, binational, and regional levels.

### **3.7. Intervention logic**

The intervention logic of the proposed action rests on the four global impacts to which the EU seeks to contribute, through its support to IBM, namely: Poverty Reduction, Sustainable Socio-economic Development, State and Regional Stability and Good Governance.

These impacts are translated into the inherent dual character of IBM in terms of objectives, i.e. on the one side to turn borders into a place of a more vibrant and fluid exchange while on the other render them impermeable to all threats and other negative influences.

In practical terms, this means the promotion of national and international co-ordination and co-operation among all the relevant authorities and agencies involved in border security to establish effective, efficient and coordinated border management, to reach the objective of open, but well controlled and secure borders. Such vision of a “selective openness” of borders translates in turn into specific impacts:

1. Improved security, respect and protection of human rights and social and economic development at national and regional levels
2. Improved practices and governance of border agencies
3. Improved intra-inter institutional and international co-operation on international migration (co-ordination at borders and cross-border)
4. Well controlled borders (improved border checks and border surveillance)
5. Enhanced detection and prosecution of crime and illegal activities (mainly migration-related);
6. Deterrent effect (of irregular migration and of trafficking-smuggling)
7. Improved respect for human rights, especially for vulnerable persons and persons in need of protection
8. Improved rule of law and due process;
9. Improved gender-responsive mechanisms
10. Improved child-sensitive mechanisms
11. Open borders (to legitimate travellers including refugees and asylum seekers)
12. Enhanced mobility of people (migration and travel management)

Adopting a “variable geometry focus” which takes into account the political and geostrategic diversity among Latin American countries, the proposed regional programme is designed to be a pilot action and therefore limited to four selected land border posts located in South America.

Namely:

1. triple border between Argentina-Brazil-Paraguay
2. northern border between Ecuador and Colombia (*Ipiates-Tulcán, Rumichaca river area*)
3. border between Peru and Bolivia on Lake Titicaca (*Desaguadero*)
4. border between Bolivia and Argentina (*Bermejo - Aguas Blancas*)

The choice of these specific land border areas is based on objective criteria, notably:

1. Clear political interest manifested by the involved countries and willingness to benefit from the EU experience and best practices in the field of border management (Schengen and beyond);
2. Needs and priorities identified by partner countries;
3. Existence of some elements of integration/cooperation in cross-border management within the MERCOSUR/CAN areas.

In the eventuality of having conditions not permitting to develop the programme in one of the above mentioned borders, the Commission will assess the possibility to change it with another crossing point.

#### **4. IMPLEMENTATION**

##### **4.1 Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement.

##### **4.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

##### **4.3 Implementation modalities.**

Both in indirect and direct management, the Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures affecting the respective countries of operation.<sup>38</sup>

- **Indirect management with a Member State Organisation**

A part of this action may be implemented in indirect management with an entity which will be selected by the Commission's services using the following criteria:

- Experience and capacity of the organisation in integrated border management projects inside and outside Europe
- Quality of proposed key experts

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<sup>38</sup> <https://www.sanctionsmap.eu/#/main>

- Existence of a network of technical offices in the different countries where the action should take place
- Extent of the European Union visibility provided by the organisation in other EU-funded programmes
- Experience with the European Commission in other projects in Latin America
- Capacity to mobilise short-term experts from EU administrations.

This implementation entails the achievement of the objectives in Component 1 above mentioned: *Institutional capacity building of Border Management Agencies and other relevant institutions.*

- **Indirect management with IOM**

A part of this action may be implemented in indirect management with IOM. This implementation entails the achievement of the objectives in Component 2 above mentioned: *Support to the fight against human trafficking and smuggling of migrants at borders.*

Component 2 will be implemented in indirect management with the International Organisation for Migration (IOM). This entity has been selected for being the leading inter-governmental organization in the field of migration. IOM works with governmental, intergovernmental and non-governmental partners to assist in meeting the growing operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration and uphold the well-being and human rights of migrants.

IOM has offices in over 100 countries and provides advice and support to governments and partners, with the aim to develop effective national, regional and global migration policies and strategies, including in the areas of border management and the fight against human trafficking and the smuggling of migrants. This is also part of IOM's contribution to achieve target 10.7 of the SDGs – the 2030 Agenda for Sustainable Development. IOM has played a crucial role in the preparation of the Global Compact for safe, orderly and regular migration, which will be the first agreement negotiated at the intergovernmental level to cover all the dimensions of international migration in a comprehensive manner.

In Latin America, IOM supports migrants' regular and safe mobility as well as improving accurate identification and border controls, in the framework of regional integration processes. Through decades of experience and work in combatting human trafficking and the smuggling of migrants in Latin America, the organisation is a key actor in the region.

IOM is currently undergoing an ex-ante assessment of its systems and procedures. Based on its compliance with the conditions in force at the time previously, other indirect management actions were awarded to the organisation and based on a long-lasting problem-free cooperation, the international organisation can also now implement this action under indirect management, pending the finalisation of the ex-ante assessment, and, where necessary, subject to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation.

#### **4.4 Scope of geographical eligibility for procurement and grants**

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the



basic act and set out in the relevant contractual documents shall apply, subject to the following provisions].

The Commission decides that natural and legal persons from the following countries having traditional economic, trade or geographical links with neighbouring partner countries shall be eligible for participating in procurement and grant award procedures: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Panama, Paraguay, Uruguay, Venezuela. The supplies originating there shall also be eligible.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

#### **4.5 Indicative budget**

	<b>EU contribution (amount in EUR)</b>	<b>Indicative third party contribution</b>
Indirect management with an EU agency	10.000.000	N/A
Indirect management with IOM	5.000.000	N/A
Totals 1	15.000.000	N/A

#### **4.6 Organisational set-up and responsibilities**

Eurofront will have a steering committee that meets at least once a year in Brussels. Beneficiary countries and implementing partners will be part of the committee. Other EU or LA countries could participate as observers. Relevant Commission services (i.e. DG HOME, TRADE) and EEAS are invited to participate to the steering committee.

The European Commission (DG DEVCO) will chair the committee.

The administrative office in charge of component 1 will be based in Brussels. This will allow efficient coordination and information sharing with EU services supervising the programme and facilitate the transmission of EU experience. As far as component 2 is concerned, a permanent focal point will be based in the IOM office in Brussels.

#### **4.7 Performance and Results monitoring and reporting**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the Logframe matrix (for project modality). The reports will be submitted also to the steering committee.

SDGs indicators and, if applicable, any jointly agreed indicators as for instance per Joint Programming document should be taken into account.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews.

#### **4.8 Evaluation**

Having regard to the nature of the action, a final evaluation will be carried out for this action or its components contracted by the Commission. It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that this programme is an innovative action.

The Commission shall inform the implementing partner at least 2 months in advance of the dates foreseen for the evaluation missions.

The implementing bodies and partner countries shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner countries and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. The financing of the evaluation shall be covered by another measure constituting a financing decision.

#### **4.9 Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, based on a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements. The financing of the audit shall be covered by another measure constituting a financing decision.

#### **4.10 Communication and visibility**

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

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.