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Subject: Implementing the strategy for the external dimension of Justice and Home Affairs
Action-oriented paper:
Strategic and concerted action to improve cooperation in combating organised
crime, especially drug trafficking, originating in West Africa

I. INTRODUCTION

Transnational organised crime is a serious threat to the security of the European Union. That is why cooperation within the EU and with third countries and international organisations, with a balanced approach and shared responsibility, has become an imperative for maximising the impact of the fight against organised crime.

Ensuring an effective, coordinated and consistent response to this problem continues to be a political priority for the EU and it is therefore included in the strategic guidelines that are being developed in the area of freedom, security and justice.

The Stockholm Programme points out that addressing threats, including those that are far removed from the European continent, is essential for protecting Europe and its citizens and entails involvement with third countries to combat organised and serious crime, terrorism, drug trafficking, trafficking in human beings and smuggling of migrants.

Moreover in this context, it calls for coordination between the Member States and the European Union in order to make the most effective use of resources and calls on the Council and the Commission to ensure that consistency and complementarity between the political and operational levels continue to be guaranteed. With regard to West Africa, it indicates that the region has become one of the hubs for drug trafficking from South America to Europe, which is why greater attention and assistance are required to deal with this phenomenon and other crimes with cross-border implications.

The EU-Africa Joint Strategy and Action Plan adopted in Lisbon in December 2007 enable both partners to step up their work on global aspects and call for cooperation in preventing and combating organised crime, terrorism and drug trafficking. The Joint Strategy states that transnational crime and drug trafficking weaken State structures and are a cause of particular concern.

The European Strategy on Drugs (2005-2012) emphasises that the international character of the drug problem necessitates regional, international and multilateral approaches. The 2009-2012 Action Plan touches upon these questions and its main priorities for this period include ensuring more effective EU cooperation with third countries and international organisations in the context of drug trafficking by means of greater coordination of policies in the EU.

II. ORGANISED CRIME: STATE OF PLAY

There are various factors that make West Africa an ideal platform for the establishment of the most active criminal groups. Criminal organisations take advantage of its strategic location, geographic characteristics, social, political, security and economic situation and the advantages offered by its cultural links with the EU to ensure that their activities are as profitable as possible, eluding justice.

Although drug trafficking is one of the most frequent and dangerous manifestations of transnational organised crime in West Africa, there are other disturbing criminal activities that threaten the security of the region, such as terrorism, the facilitation of illegal immigration, the trafficking of human beings for sexual exploitation, counterfeiting of money, corruption, piracy, cybercrime, trade in counterfeited products and all kinds of swindles, especially mass marketing fraud (MMF), illegal waste trafficking or arms trafficking.

It should be borne in mind that the region is characterised by the existence of criminal gangs which carry out a multitude of criminal activities.

In addition to the activities of local organised criminal gangs and European criminal organisations, it should be pointed out that organised criminal organisations from Latin America have been expanding their activities in West Africa where they have established an alternative route to the EU and have forged ties with other foreign gangs to gain access to the markets of other regions of the world. This link, on which the Council expressed due concern in the Conclusions of November 2007 on drugs along the cocaine route, magnifies organised crime's capacity to harm the social and political fabric and contributes to armed conflicts.

III. THE EUROPEAN UNION'S RESPONSE

In the awareness that the growing and direct threat of organised crime connected with West Africa not only affects that region's development and security but it also a direct challenge for the EU, in recent years the Member States and the European institutions have been working towards a more integrated approach to dealing with this phenomenon, combining their efforts in line with the various EU internal and external policies.

To strengthen the EU's external action, the Instrument for Stability was accordingly created in 2006 to give the EU a strategic tool capable of facing the challenges for world security that are not only sources of insecurity for States but also an obstacle to development. It should be emphasised that the Multiannual Indicative Programme (MIP) 2009-2011 of the Instrument for Stability attaches special importance to the transregional and global threats that are different but interconnected, such as terrorism and organised criminal organisations responsible for trafficking in human beings, arms, drugs or capital. In this context, the MIP gives priority over the next few years to combating organised crime on the cocaine route. The 'cocaine route programme' aims to strengthen the capacity of partner countries in the areas of law enforcement and judicial cooperation in order to dismantle criminal organisations involved in drug trafficking. In 2009, the appropriation for this priority increased to EUR 6,5 million.

This integrated approach was also highlighted by the Council conclusions¹ of 28 November 2008 calling, among other things, for consistency between all the initiatives taken by the Member States' police forces; for an inventory of activities to be made by the relevant bodies in the region in the context of combating drug trafficking; for proposals to be made to combat drug trafficking in West Africa, in particular in connection with a transfer of skills and experience, and to enhance the dialogue with the countries of the region, conducted individually as well as through the relevant regional organisations, especially the Economic Community of West African States (ECOWAS).

At the same time, the West African States have expressed their concern about the problem posed by organised crime for the development and security of the region. The declaration and Plan of Action against drugs and organised crime (2008/2011) adopted by the ECOWAS Heads of State and Government at the Praia Conference of October 2008 bear witness to this. The ECOWAS Commission has adopted an operational plan aiming, among other things, at guaranteeing the coordination of all the activities necessary for its implementation. The European Commission, at the donors' conference organised by ECOWAS in Vienna on 3 December, announced that it was providing € 15 million from the 10th EDF (European Development Fund) to help ECOWAS implement the activities included in the operational plan and has confirmed additional support through the Instrument for Stability concerning specifically the fight against air and maritime-based trafficking (€ 4.3 million).

¹ 15812/1/08 REV 1 JAI 645 CORDROGUE 82 COAFR 368.

In addition, the EU and ECOWAS have jointly recognised the importance of fighting drugs and organised crime which led to the setting up of a specialised dialogue format to exchange views on these challenges and how to take them up.

EUROPOL analysed in 2009 main organised groups in West Africa and their activity threatening to the security within UE, indicating special needs for joint use of technical means as well as horizontal and coordinated approach of concerned Member States' law enforcement and their liaison officers posted to Africa.

The EU's priorities for the fight against organised crime¹, adopted by the Council in June 2009 on the basis of the Europol OCTA, should be taken into account by all relevant EU institutions, agencies and groups and be incorporated in the respective strategic and operational plans. With regard to West Africa, the priorities highlight the importance of devising a multi-faceted approach to combat exploitation of the States of the region by the international drugs business.

Last year, the Council took account of the problems caused by international organised crime for the region, especially with regard to drug trafficking and trafficking in human beings². On 30 November, in its conclusions on the strengthening of the fight against drug trafficking in West Africa³, the Council recognised that coordination of international cooperation is key to successful action against organised crime, and that enhanced coordinated action, both at EU and national level, as well as cooperation with third countries and international organizations is essential for achieving the maximum the impact in fighting drug trafficking.

¹ 8301/3/09 REV 3 CRIMORG 54.

² 11450/5/09 REV 5 CRIMORG 103 JAIEX 49 RELEX 618 JAI 432.

³ 16451/09 JAI 864 CORDROGUE 75 COAFR 374 ENFOPOL 300.

In this connection, the Council agreed to follow up a series of actions, including the establishment of regional operational cooperation platforms. It also decided to draw up a proposal for a central coordination system which, among other things, would improve mechanisms for:

- agreeing on priorities for technical assistance and training;
- identifying lines of funding;
- providing experience in application procedures and in training and technical assistance.

Moreover, on the third implementation report of the "Strategy for the External Dimension of JHA: Global Freedom, Security and Justice" by the Council Secretariat (period of reference: July 2008-December 2009)¹ special attention is given to Western Africa and it is highlighted that *Important efforts to strengthen and enhance the strategic partnership between the EU and Africa should continue regarding important JLS matters, such as drugs trafficking, trafficking in human beings, corruption, terrorism or migration management* and concludes that *Efforts with regard to the development of an integrated and holistic approach towards West Africa should be strengthened.*

Finally, on 25 February 2010 the JHA Council has supported the idea of developing an European Pact against the international drugs trafficking with three main components: tackling the cocaine route, tackling the heroine route and confiscating illegal assets. Likewise, a more comprehensive approach and better coordination of existing actions with CSDP missions will be encouraged.

Great financial and human investments have been made to turn the improvement of coordination and cooperation into reality. In this context, technical assistance, educational and operational training projects are being developed to support the States of the West African region in their fight against organised crime. It should be highlighted that the scope of these projects varies and includes both the national, regional and transregional dimensions, taking account of the influence on the region of organised criminal organisations originating in Latin America and the Caribbean.

¹ 5083/10 JAIEX 6 RELEX 9 ASIM 6 CATS 6 JUSTCIV 9.

IV. OBJECTIVES

Various analyses of the situation regarding the threat of organised crime in Africa agree that there must be synergies and consistency between action by the EU, West African and international partners to increase the effectiveness of the fight against organised crime connected with West Africa. Moreover, achieving this objective requires greater efforts with regard to coordinating and improving the follow-up of the results of actions carried out.

The work carried out to date places us at a propitious stage for promoting a framework for improving the coordination of actions carried out by the EU, its Members States and other relevant partners to combat organised crime originating in West Africa, with due regard for the competences of the parties concerned, the existing policies adopted by the Western African region and the EU to address these challenges and without the need to create new structures.

A coordination framework is presented below, starting with the current situation, which should contribute to achieving the EU's strategic priority of improving the response to the threat of organised crime connected with West Africa in the short and medium term, in particular by supporting the region's own efforts.

To achieve this, efforts should aim at improved coordination of activities in the following areas:

- Prevention.
- Operational and technical coordination
- Tools for better informed policies:

Scope:

Actions should cover the countries making up the West African region: Nigeria, Sierra Leone, Mali, Benin, Guinea, Senegal, Ghana, Ivory Coast, Cape Verde, Guinea Bissau, Burkina Faso, Liberia, Togo, Niger, Gambia and Mauritania.

OBJECTIVE 1: PREVENTION

Combating organised crime with links to Africa requires a multi-disciplinary response making it possible to use all available instruments and step up a preventive approach to the problem along the following priority measures:

- Prevention of organised crime should become a permanent part of the dialogue between the EU, Member States and the countries of the region.
- The transregional dimension of the organised crime affecting West Africa, in particular its linkage with Latin America and the Caribbean should be further considered.

The EU should support the region and its countries to fight the threat of organised crime by the achievement of the 2009-2011 Praia Action Plan's outputs. Special attention should be given to:

- Efforts to make the region less attractive to organised crime and build up its capacity to respond to that threat. The EU's response should in particular address the root causes such as poverty, difficult socio-economic conditions and lack of institutional capacity by means of co-operation, capacity-building and restoration of the rule of law.
- Cooperation to help reinforce the legal frameworks and institutions of the countries of the region in order to combat organised crime and dismantle the criminal networks operating in the area
- Support to the efforts of the West African countries to provide training and capacity-building including for the use of tools and mechanisms described below;
- Development of tools for early warning and exchange of information, collection of valid and realistic data and analysis of intelligence to facilitate progress in the prevention and combating of organised crime;
- Information and awareness-raising campaigns for the public and law-enforcement agencies concerning possible ways of cooperating with civil society in the prevention aspect of combating organised crime.
- Cooperation with the authorities of the countries affected in order to encourage resilience by civil society, especially young people and particularly vulnerable groups.

In addition, efforts to improve the region's capacity to tackle financial crime appear necessary. In particular, confiscating of illegal assets and better control movements of capital in order to prevent use of the financial system in money laundering activities is a priority. Combating money laundering is a collective responsibility which makes it possible to safeguard global economies from the abuse of the system perpetrated by criminals. To that end, the work of local institutions trying to prevent and control money laundering in the region, e.g. the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) set up within ECOWAS, deserve to be supported.

OBJECTIVE 2: IMPROVING COORDINATION

A series of actions should be taken to continue enhancing the added value of coordinated action by the Member States in combating organised crime originating in West Africa.

2.1 OPERATIONAL COORDINATION:

LIAISON OFFICER NETWORKS AND PLATFORMS

- Promote consolidation and coordination of the platforms of liaison officers (LOs) of the Member States already established -Ghana and Senegal- and evaluate, in the light of threat assessment, the advisability of creating new platforms in West Africa or other regions.
- Guarantee communications and the exchange of secure information between Member States' LOs on the basis of the experience gathered through the use of existing technological tools.
- Optimise the strategic position of the Member States' LOs to help Western Africa countries to identify technical capacity-building needs that are a priority for their law enforcement agencies.

- Continue the half-yearly meetings of EU Member States' LOs posted to West Africa to analysing the progress of operational cooperation in order to share experiences and identify obstacles and new possibilities for cooperation (e.g. multilateral operational assistance to back up the police forces of one or more countries particularly affected by certain crimes). The presence of Europol and other relevant EU bodies and international partners at these meetings should be provided for.
- Entrust the EU's group of experts on Joint investigation Teams (JITs) with the carrying out of a study in order to arrive at conclusions on ways of encouraging optimum use of such teams to cope with organised crime originating in West Africa.

EUROPOL

- Ensure that Europol provides analytical back-up for the platforms of liaison officers, as well as for the Maritime Analysis and Operations Centre – Narcotics (MAOC-N) and the Anti-Drug Coordination Centre for the Mediterranean (CECLAD). Specific target groups for this purpose can be established in the relevant existing Analytical Work Files (AWF), and the Information System (IS) can also be used for receiving the data.
- The feasibility of a temporary / rotating Europol Liaison Officer (LO) who can have access to the information at MAOC-N, CECLAD and the platform in Africa, and who is able to request this data when necessary, should be assessed.
- The administrative arrangement agreed between the General Secretariat of the Council (GSC) and the Director of Europol, in force since 25 August 2008, allowing for the exchange of non-personal data between Europol and all civilian ESDP police missions, via the GSC¹, allows the connection between the two ends of the EU security framework. Increasing the use of this important instrument in existing and future ESDP missions in West Africa would contribute to unleash the EU potential to fight crime.

¹ Administrative Arrangement between Europol and the General Secretariat of the Council on the exchange of information in the context of civilian ESDP Missions, 22 September 2008.

- Entrust Europol with the production or updating of a threat assessment report on organised crime originating in West Africa when appropriate, as a part of the Organised Crime Threat Assessment (OCTA), to enable analysis and assessment of the threat. The OC-SCAN Threat Notice could in future be used for relatively quick and proactive updates in relation to any trends or developments in the threat.

EUROPOL AND FRONTEX

- Need to guarantee the coordination of EUROPOL and FRONTEX activities in the region, as regards the prevention and combating of organised crime networks devoted to illegal immigration and/or trafficking in human beings.

MAOC-N and CECLAD COORDINATION CENTRES

- Ensure their cooperation and coordination with the aforementioned platforms.

OTHER RELEVANT ACTORS

- Coordination with other relevant projects and actors in the region, such as Interpol, UNODC, UNDC, WCO and the US, is required in order to create synergy and avoid duplication of efforts.

2.2 TECHNICAL COORDINATION:

The fullest use should be made of the potential of the inventory of technical assistance projects (the matrix) established by the Council conclusions of 28 November 2008. Efforts to achieve greater synergy between projects carried out by the European Union and its Member States, other relevant partners and those of international organisations should be reinforced, with a view to avoiding any overlapping and interference and to making optimum use of all available resources. It is essential to ensure coordination between international donors. Similarly, the assistance provided should be more carefully tailored to the real needs of the law-enforcement agencies and the judicial authorities.

As highlighted in point 2.1. the LOs deployed in the region are in an exceptional position to help detect technical capacity-building requirements and resources that are a priority for the law enforcement agencies of West African States. In this context, strengthening the work of the Mini Dublin Groups should be envisaged.

To achieve that with the inventory of technical assistance projects, and while bearing in mind the need to keep it as user-friendly as possible, consideration could be given to:

- Using an electronic format making it possible to optimise the functions of the matrix.
- Expanding the list of projects to incorporate all those relevant in combating organised crime.
- Including those projects promoted by UNDOC, Interpol, relevant third states, partners and other international bodies and organisations, while avoiding any double entries.
- Using the matrix to obtain an overview of the use and allocation of the resources employed, their geographical distribution and the scope of the actions, in order to identify possible duplication and facilitate the assessment of how to tailor use of resources to the changing threat.

This could also help when assessing the stage reached in the implementation of the projects, the results achieved and the obstacles to their implementation which might have emerged as well as to identify gaps and ways of addressing them that could be met through the provision of targeted EU or Member States' financial instruments.

OBJECTIVE 3: TOOLS FOR BETTER INFORMED POLICIES

It is essential that both the countries in the region and the EU can base policies on a systematic analysis for each country in the region in order to increase knowledge of both the situation and difficulties, existing resources, and what would be required in the way of capacity building, materials/infrastructure and technical assistance to enable the country to successfully take up the challenges of drugs and organised crime, in line with the existing and future regional frameworks.

Such detailed analyses need to consider at least the following aspects:

- Legal system in force.
- Existing organisational structure of the police, judiciary and penitentiary system.
- Human resources available: quantification, profile, professional career and training system.
- Material resources.
- Working methods and coordination mechanisms within and between institutions.
- Regular reports on progress in combating organised and drug crime in each of these states.

In order to achieve this output, as an initial step the EU should support the under way process open within the framework of the Praia Action Plan to help each of the countries in the region develop the analysis required to inform of their individual preparation to implement the overall priorities of this Action Plan.

This process could also facilitate the conduct of a dialogue with countries on fighting drugs and organised crime and help in identifying possible assistance needs.

V. FOLLOW-UP, FINANCING AND EVALUATION MECHANISMS

Any kind of short or medium term action requires the necessary economic support through precise programming which makes it possible to tailor resources to existing needs. In particular, where there appear to be gaps and/or needs, EU and Member States' financial support programmes could be considered for the provision of assistance to Western African countries to improve their capacity to deal with the challenges of drugs and organised crime. This should be done in full respect of each instrument's specific rules in terms of implementation mechanisms.

Whenever needed, the Presidency, the Council Secretariat, the Commission and interested Member States should meet within the Council structures to monitor, review and update the implementation of this action-oriented paper. These meetings should contribute to a coherent approach to developing the EU security policies.

Furthermore a number of existing operational mechanisms can contribute to support the operationalisation of the orientations in this paper:

- The political dialogue with individual countries in the region (article 8 of the Cotonou Agreement) can constitute a forum for exchanges on how to address the challenges of drugs and organised crime with interested countries. This could in turn help form a shared vision of the situation, of the challenges, and of possible remedial action, in line with the agreed regional frameworks;
- The EU dialogue with UNODC, ECOWAS and other key partners on drugs and organised crime can help intensify the results of the commitment to preventing and combating the threat. In particular the dialogue would contribute to the implementation of the Praia Action plan and the regional operational plan, keep track of the implementation of the EU assistance to support it, and identify possible remaining gaps; The EU should actively encourage ECOWAS to regularly monitor the implementation of the Praia Action Plan at both Community and Member State level; these monitoring efforts could usefully inform the dialogue between the two regions on these issues.

The Member States, the Commission and the Council Secretariat are invited, in consistency with other evaluation tools, to monitor the progress of the orientations outlined in this Action-Oriented Paper, and to report to the Justice and Home Affairs Council and the External Relations Council every 18 months. Eurojust, Europol, Frontex and other relevant bodies are invited to contribute to the monitoring of the AOP where relevant.

This report should constitute a reference document on which the EU institutions can draw in the process of taking decisions on what is needed to combat organised crime originating in West Africa.