



Analysis

Aid, border security and EU-Morocco cooperation on migration control

November 2019

Since 2001, almost €215 million has been provided to Morocco by the EU to finance border security projects. Initial efforts took place between 2001 and 2010 and, despite an interlude in which financial support was concerned with reform of the country's migration policy, in 2018 funding for border security returned with a vengeance, with €140 million promised to Morocco – half of which comes from the EU Trust Fund for Africa. There is little publicly-available information on the results of these funding programmes, and human rights abuses against migrants and refugees committed by Moroccan authorities call into question whether financial support from the EU to Moroccan border security should continue, particularly given that development funding is supposed to aim at eradicating poverty.

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1. Introduction

In the summer of 2018, an increase in the number of irregular border crossings from Morocco to Spain led to the EU escalating its efforts to cooperate on migration control with the country. As part of this diplomatic and strategic manoeuvre, to a large extent propelled by Spain, the EU granted Morocco €140 million from its development budget for projects linked to border security.¹

The strengthening of the EU-Morocco relationship on migration control has coincided with a crackdown on migrant presence in the north of Morocco, during which at least 8,000 people have been arrested and internally displaced to the south by the Moroccan police. The human rights violations committed by members of the Moroccan security apparatus raise concerns about the EU's decision to utilise development funding to strengthen the capacity of the Moroccan state to control migration, both in terms of respect for human rights and with regard to the consistency of this approach with broader EU efforts to foster “democratisation” and “stability” in the country.

Crucially, border security is not a development objective. Article 208 of the Treaty on the Functioning of the EU states that “Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty”.² Border security is more likely to divert development funding from the objective of poverty eradication, rather than contributing to it, as academics and civil society organisations have equally highlighted.³

This analysis aims to situate the recent allocation of EU funding for border security in Morocco in a broader political and historical context. Already a long-standing partner of the EU in border control, Morocco has engaged in migration control cooperation since the 1990s, and was one of the first countries where the allocation of aid for border control purposes was tested and implemented.⁴

¹ European Commission press release, ‘Western Mediterranean Route: EU reinforces support to Morocco’, 14 December 2018, http://europa.eu/rapid/press-release_IP-18-6705_en.htm; European Commission factsheet, ‘EU cooperation on migration with Morocco’, December 2018, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu-morocco-factsheet.pdf>

² Consolidated version of the Treaty on the Functioning of the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012E/TXT>

³ Concord, ‘Partnership or Conditionality? Monitoring the Migration Compacts and EU Trust Fund for Africa’, 24 January 2018, https://concordeurope.org/wp-content/uploads/2018/01/CONCORD_EUTrustFundReport_2018_online.pdf; OXFAM, ‘An Emergency for Whom? The EU Emergency Trust Fund for Africa – Migratory Routes and Development Aid in Africa’, 15 November 2017, <https://www.oxfam.org/en/research/emergency-whom-eu-emergency-trust-fund-africa-migratory-routes-and-development-aid-africa>

⁴ Nora El Qadim, ‘Lutte contre l’immigration irrégulière et conditionnalité de l’aide au développement’, *Migrations Société*, no. 171, April 2018, pp.109–25, <https://doi.org/10.3917/migra.171.0109>; Nora El Qadim, *Le gouvernement asymétrique des migrations. Maroc/Union européenne*, Dalloz, 2015; Abdelkrim Belguendouz, ‘Expansion et sous-traitance des logiques d’enfermement de l’Union européenne: l’exemple du Maroc’, *Cultures & Conflits*, no. 57, March 2005, pp.155–219, <https://doi.org/10.4000/conflits.1754>

2. Methodology

This report analyses Moroccan border security projects funded through EU development aid between 2000 and 2018. It builds on publicly available material (press releases, evaluation reports, NGO reports, etc.) compiled by relevant organisations, as well as information obtained through two separate requests for access to documents submitted to the European Commission in December 2018 and a confirmatory application sent in March 2019.⁵

Given the extremely complex architecture of the EU aid system, it does not aspire to provide an exhaustive analysis of all projects related to border security in Morocco that have been funded by the EU through its development budget. The identification of relevant projects for this report stems from an analysis of documents related to four migration-related funding instruments:

- the B7-667 budget line;
- the AENEAS programme;
- the Thematic Programme for Migration and Asylum; and
- the EU Trust Fund for Africa.

Relevant academic literature contributed to the identification of additional projects funded in the framework of other funding instruments. The EU has also funded other relevant projects in Morocco that are not considered as part of this analysis.⁶ Examining the border security initiatives supported through development funding – despite the lack of public information on those initiatives – permits some insights into the potential consequences of recent EU decisions over migration control cooperation with Morocco.

⁵ The documents released by the Commission are available here: EU aid and development funding has provided €215 million for border security in Morocco since 2001, *Statewatch News*, 22 November 2019, <http://www.statewatch.org/news/2019/nov/eu-morocco-borders.htm>

⁶ Since the mid-2000s, the European Union has funded projects for the assistance and protection of migrants and refugees in Morocco, mainly implemented by charities or international organisations, such as the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). See Katharina Natter, 'The Formation of Morocco's Policy Towards Irregular Migration (2000-2007): Political Rationale and Policy Processes', *International Migration*, 52, no. 5, October 2014, pp.15–28, <https://doi.org/10.1111/imig.12114>; Kelsey P. Norman, 'Inclusion, Exclusion or Indifference? Redefining Migrant and Refugee Host State Engagement Options in Mediterranean 'Transit' Countries', *Journal of Ethnic and Migration Studies*, 8 June 2018, pp.1–19, <https://doi.org/10.1080/1369183X.2018.1482201>; Inken Bartels, 'We Must Do It Gently.' The Contested Implementation of the IOM's Migration Management in Morocco', *Migration Studies*, 2017, <https://doi.org/10.1093/migration/mnx054>; Inken Bartels, 'Practices and Power of Knowledge Dissemination. International Organizations in the Externalization of Migration Management in Morocco and Tunisia', *Movements. Journal for Critical Migration and Border Regime Studies*, 4(1), 2018, <http://movements-journal.org/issues/06.wissen/03.bartels-practices-and-power-of-knowledge-dissemination-international-organizations-in-the-externalization-of-migration-management-in-morocco-and-tunisia.html>; Michel Peraldi, ed., *D'une Afrique à l'autre, migrations subsahariennes au Maroc*, Paris, 2011; Julie Robin, 'Entre Église catholique, bailleur européen et Gouvernement marocain, l'action de Caritas Maroc auprès des migrants subsahariens', *L'Année du Maghreb*, no. 11, 23 December 2014, pp.173–93, <https://doi.org/10.4000/anneemaghreb.2302>

3. Morocco, Europe's privileged partner in migration control cooperation

Since the early 1990s, Morocco has been a privileged partner of the EU and its member states in migration control cooperation. The North African country, with a population of 33 million people, has historically been an emigration nation with a large and growing diasporic community, mainly based in Europe. Nowadays, it is estimated that the Moroccan diaspora consists of at least 2.8 million people born in Morocco but residing abroad, and over 4 million second and third generation emigrants.⁷ However, Morocco has also long-hosted an immigrant population composed of both African and European citizens. The presence of foreigners in the country was particularly high during the period of the French Protectorate, which lasted from 1912 until 1956, but steadily decreased from the country's independence until the mid-2000s. During the 1990s, the EU's increasingly restrictive entry policies led to the emergence of a new kind of mobility across the two shores of the Mediterranean⁸ – irregular crossing, or *hrig*, “burning”, as it is called in the Moroccan Arabic dialect.

Pressured by Spain, Morocco began controlling the mobility of both its nationals and of foreigners trying to reach Europe from Moroccan shores in the 1990s, but it is only in the 2000s that a consistent plan for border surveillance seemed to emerge. In 2002, the Ministry of Interior elaborated a border surveillance strategy aimed at “controlling borders, dismantling human-trafficking networks and disrupting irregular departure attempts.”⁹ In 2003, the Moroccan parliament adopted law 02-03, a new migration act criminalising both irregular immigration and emigration and their facilitation, introducing fines and detention as punishments for irregular migrants and smugglers.

The following decade was marked by state repression against irregular emigration, in particular with regards to people from Sub-Saharan Africa. Events in Ceuta and Melilla constitute the most emblematic symbol of this decade of border repression – in the autumn of 2005, at least 11 people died during an attempt to cross the fences dividing Morocco from the Spanish enclaves of Ceuta and Melilla.¹⁰ In the following days, Moroccan authorities conducted raids in the forests surrounding the two enclaves and forcibly displaced a high number of people – including those belonging to the categories protected by law 02-03 – to the no man's land in the desert dividing Morocco and Algeria. Events like this have continued

⁷ Migration Policy Centre, *Morocco Migration Profile*, 2016,

http://migration4development.org/sites/default/files/mp_morocco.pdf

⁸ Ruben Anderson, 'Europe's failed 'fight' against irregular migration: ethnographic notes on a counterproductive industry', *Journal of Ethnic and Migration Studies*, February 2016, pp.2-3,

http://eprints.lse.ac.uk/64882/1/_lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Andersson%2C%20R_Europe%27s%20failed%20fight_Andersson_Europe%27s%20failed%20fight_2016.pdf

⁹ Ministère Chargé des Marocains Résidant à l'Étranger et des Affaires de la Migration, *Politique Nationale d'Immigration et d'Asile 2013-2016*, 2016, p.78

¹⁰ Mlgreurop, *Guerre aux migrants. Le livre noir de Ceuta et Melilla*, 2006,

<https://www.meltingpot.org/IMG/pdf/livre-noir-ceuta.pdf>

with a depressing regularity in the following years, with a worrying escalation in 2012¹¹ and again in 2018.¹²

In 2013 Morocco unexpectedly announced a new migration policy. This reform included the announcement of a regularisation campaign (which was followed by another in 2016), three draft bills for laws on migration, asylum and human trafficking and the engagement of the Moroccan authorities in migrant integration. The announcement of this reform was accompanied by a cessation of state violence against migrants in most Moroccan cities, but not in the borderlands (in particular in the areas surrounding the Spanish enclave of Melilla).

Six years later, around 50,000 migrants have received papers as part of the two regularisation campaigns, but only the law on human trafficking has been adopted by the parliament. Migrants and refugees in the country mainly continue to be assisted by donor-based charities and international organisations (like the IOM and the UNHCR), and a massive crackdown on migrants in large Moroccan urban centres was carried out by the Moroccan police in the summer of 2018.¹³

4. EU development aid for Moroccan border security

The EU has financially supported Morocco's engagement in migration control through, amongst other things, the allocation of development aid for border security. An analysis of the temporal distribution of funding makes it possible to distinguish three different phases of this support:

- 2001-10, during which a border infrastructure was created and put in place;
- 2013-2018, when attention to border security alone declined in favour of attention to Morocco's new migration policy; and
- 2018 to the present, when the proclaimed "crisis" in the Western Mediterranean (30,000 arrivals more than in the previous year) led the EU to look back to border security at the EU-Moroccan border.

5. 2001-10: Creating a border infrastructure

Between 2001 and 2010, the EU allocated at least €74.6 million for six projects concerning border security in Morocco. Three of these projects were implemented exclusively in Morocco, while the other three were multi-country projects – the funding allocated to each project was used in each of the countries associated with this particular programme. In December 2018, *Statewatch* submitted two requests to the European Commission for all the documents

¹¹ CMSM and GADEM, 'Recrudescence de La Répression Envers Les Migrants Au Maroc Une Violence Qu'on Croit Révolu', September 2012

¹² Yasha Maccanico, 'Morocco: Wherever EU immigration policy rears its ugly head, violence and abuses follow', *Statewatch*, October 2018, <http://www.statewatch.org/analyses/no-334-morocco-migration-expulsions.pdf>

¹³ See 'Reports on the situation on Morocco' in: Yasha Maccanico, 'Morocco: Wherever EU immigration policy rears its ugly head, violence and abuses follow', October 2018, pp.3-5, <http://www.statewatch.org/analyses/no-334-morocco-migration-expulsions.pdf>

generated by the Commission in relation to five of these projects, in particular “project evaluations and breakdown of the actions implemented in the framework of each project”.

The first project, ‘2001/HLWR/118 - Fight against Illegal Immigration’, was funded under the B7-667 budget line¹⁴ and was implemented by the *Fundación Policía Española GED-DPG*, with an EU contribution of €370,682.¹⁵ Although the Commission identified eight documents related to the project, it denied access to all of them under three exceptions set out in the EU’s rules on access to documents, concerning the protection of public security; the protection of personal data; and the protection of commercial interests, court proceedings and legal advice or inspections, investigations and audits.¹⁶ It also cited the rules governing protection of personal data in the EU institutions.¹⁷

Following a confirmatory application requesting reconsideration of the decision, DG HOME reviewed its position and granted partial access to five out of eight document, which make clear that the project was meant to grant Morocco equipment and training for the detection of falsified documents. However, the project never actually materialised, seemingly “due to lack of interest by the Moroccan national authorities.”¹⁸ No further details are provided as to why this was so.

The second project, entitled *Centres de communication opérationels* (Operational Communication Centres) – CECO, was implemented by the French Ministry of Interior. Also funded by the B7-667 line, it had an initial budget of €1,139,680 with an EU contribution of €665,980. The project aimed at constructing and equipping border posts with the infrastructure needed for the rapid and effective checking of travel documents. A document providing an overview of this and other projects states:

“...the project’s objective was the creation of operational centres for communication among six border posts linked to a central command post in Rabat. This new structure would allow a quick exchange of identity documents, travel permits, and associated photographs over a secure internet connection among the border posts. In the longer term, the project would allow the build up of a reliable database of identity documents that would help fight illegal immigration and improve response times to queries about apprehended individuals. In addition, the project included a significant training element to familiarise Moroccan border police with the new system.”

¹⁴ Managed by DG Justice and Home Affairs as *chef de file*. See: Nils Coleman, *European Readmission Policy: Third Country Interests and Refugee Rights* (BRILL, 2009)

¹⁵ Figures used in this report have been rounded up to the nearest euro.

¹⁶ Article 4(1)(a) first indent, Article 4(1)(b), Article 4(2), Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32001R1049>

¹⁷ Article 3(1), Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

¹⁸ Centre for Strategy and Evaluation Services, “Final Report – Evaluation of Preparatory Actions B7-667 – Cooperation with Third Countries in the Area of Migration. Appendix D - Case Studies,” undated, p.89.

However, the objective of the project changed during the implementation phase:

“While all the deliverables including training and materials were supplied by the SCTIP, the Moroccan authorities did not set up the operational centres at the heart of the project. Instead, they implemented a much larger and cost-efficient project linking all border posts and that will eventually allow for the creation of identity cards for all Moroccan residents.”¹⁹

The third project was Project Seahorse, funded under the AENEAS programme (for financial and technical assistance to third countries in the area of migration and asylum)²⁰ and implemented by Spain’s *Guardia Civil* between 2005 and 2008 in Morocco, Mauritania, Senegal and Cape Verde, with an initial budget of €2,507,968 (the EU contribution was €2 million).

The Commission identified eleven documents in its possession related to the Seahorse project, but permitted access to just one of them. That access was “partial” and the document, ‘Special Conditions of the grant’, was redacted so heavily that it was essentially useless. Following our confirmatory request, DG DEVCO reconsidered its position and granted partial access to nine documents – one of which is the final narrative report, accounting for the activities conducted as part of the action. Based on this material, it is possible to state that the project funded the following activities:

- “Organise Annual meetings Europe-Africa fostering coordination, dialogue, sharing experience and information between the specialised services of the national administrations” – the project organised three Euro-African Police Conferences, gathering African and European state authorities, as well as representatives from a number of other organisations (such as Frontex and Europol);
- “Spanish Authorities will visit the African countries concerned to facilitate the success and preparation of the international meetings” – during the project Spanish authorities visited Morocco to evaluate the implementation of joint patrols, and Mauritania to evaluate the implementation of agreements between that country and Spain;
- “Training courses on illegal immigration (train the trainers)” – training courses were provided for representatives of Morocco, Mauritania, Senegal, Cape Verde, Mali, Guinea Bissau and Guinea Conakry;
- “Specific training courses for Maritime Service of Mauritania” – specific training was provided for sailors, divers, vessel pilots and vessel mechanics of the Maritime Service of Mauritania. The wording suggests that the service severely lacked capacity, as basic equipment like clothes and mechanic’s tools had to be provided for participants. Furthermore, Spain provided four vessels to Mauritania through funding

¹⁹ Ibid., p.202

²⁰ Managed by DG Justice and Home Affairs as *chef de file*. See Nils Coleman, *European Readmission Policy: Third Country Interests and Refugee Rights* (BRILL, 2009).

coming from a project known as ARGO. The final narrative report argues that although a Mauritanian Maritime Service had been created by the end of the project, they had little capacity and it was therefore advisable to maintain the presence of Spanish sailors and mechanics during joint border patrols;

- “Initiation of a network of Liaison Officers”, for border control in ports and airports. Liaison officers have been sent to Senegal, Mauritania, Cape Verde and Morocco;
- “Undertake Joint Patrols with Moroccan Services”²¹ – the areas in which the patrols took place were censored in the documents released by the Commission. During the course of the project’s implementation, joint border patrols were also conducted with Mauritanian and Senegalese authorities, although it is not clear from the documents whether these were funded by the EU or not.

The fourth project is the Seahorse Network, also funded under the AENEAS programme and implemented between 2006 and 2008 by the *Guardia Civil* in Morocco, Mauritania, Senegal and Cape Verde. The initial budget was €2,502,578, with an EU contribution of €1,999,043. The information network that emerged from this project (now known as Seahorse Atlantic) served as one of the foundations of the European Border Surveillance System (Eurosur), intended to provide pervasive surveillance of the EU’s external borders and the “pre-frontier area”.²²

The Commission identified 18 documents in its possession related to the Seahorse Network project. Access was initially denied to 15 of them and partial access to was granted two (‘Special conditions of the grant’ and ‘Annex II General Conditions’, which were both so heavily-redacted that it was impossible to see which activities made up the project). The Commission also provided a link to a document providing an overview of the projects funded between 2004 and 2006 under the AENEAS programme.

DG DEVCO (the Commission’s Directorate-General for International Cooperation and Development) reviewed its position following our confirmatory request and granted partial access to all 15 documents, including the interim and final narrative reports. The documents show that the Seahorse Network project provided funds for the establishment of a regional secure network to exchange information on irregular immigration. The network is based in Gran Canaria, is connected to the *Guardia Civil* network and can be accessed by Frontex. Implementation took place in four phases:

1. Technical and feasibility study for the establishment of a regional secure network to exchange information on irregular immigration;

²¹ EuropeAid, ‘Aeneas Programme - Programme for Financial and Technical Assistance to Third Countries in the Area of Migration and Asylum. Overview of Projects Funded 2004 – 2006’, 2006, p.11

²² “The main elements of Eurosur will be the maritime border surveillance systems that already exist in the frameworks of Baltic Sea Region Border Control Cooperation (BSRBCC), the Black Sea Littoral States Border/CoastGuard Cooperation Forum (BSCF) and the Seahorse Atlantic project. Mauritania, Morocco, Senegal, the Gambia, Guinea Bissau and Cap Verde cooperate in Seahorse Atlantic, which was established under the aegis of Spain.” See: Minor Interpellation tabled by Member Andrej Hunko *et al.*, and the parliamentary group of the Left Party, ‘Launch of the European Border Surveillance System (EUROSUR)’, Bundestag printed paper 18/76, <http://www.statewatch.org/news/2014/jan/eu-eurosur-hunko-translation.pdf>

2. Preliminary network definition and segmentation;
3. System development and deployment;
4. System exploitation, with the Seahorse project funding maintenance for up to five years.

The fifth and by far the most substantial contribution came in the form of budget support for border management, for which the EU allocated the Moroccan Ministry of Interior €67,625,000 between 2007 and 2010. What has been done with this money, however, is unclear. There is a general lack of public information on the topic, and even official information may be scarce.

In December 2018, *Statewatch* submitted another access to documents request, this time to the European Commission's Directorate-General for European Neighbourhood Policy and Enlargement Negotiations (DG NEAR). This sought access "to all documents generated or received by the Commission concerning the adoption, implementation and evaluation of the €67,625,000 budget support to Morocco for border control management, funded between 2007 and 2010 under the Geographic Instrument" and in particular "the breakdown of the activities carried out in the framework of the budget support". The Commission replied in February 2019, stating that "Commission Decision C(2018)8214 together with its annex are the only documents identified as falling under the description provided".

The title of that document – 'DÉCISION D'EXÉCUTION DE LA COMMISSION modifiant la décision d'exécution C(2013)7666 relative au Programme d'Action Annuel 2013 (partie 2) en faveur du Maroc à financer sur le budget général de l'Union européenne' – says very little about its content. Access to the document was denied on the grounds of "protection of the public interest as regards international relations", "protection of the decision-making process" and "no overriding public interest in disclosure." The Commission "considered whether partial access could be granted to the documents to which access is refused but this was deemed impossible as the sensitive elements are integral to it."

It seems that an evaluation of the more-than €67 million in budget support provided to the Moroccan Interior Ministry between 2007 and 2010 never actually took place. The action document for the programme in support of the migratory policies of Morocco states: "Unfortunately this program could not lead to a formal evaluation."²³ The document nevertheless argues that the budget support "has substantially contributed to the reinforcement of borders and the reduction of emigration from Morocco towards the European Union."²⁴

That the EU did not undertake an evaluation is surprising, given the strict auditing and evaluation standards that should be applied to EU funding. For example, the 'Final report – Evaluation of Preparatory Actions B7-667' notes that "the project promoters were required to submit bi-monthly status reports in addition to progress, inception, interim and final reports". Based on interviews with EU officers, the academic Daniel Wunderlich has suggested that loosening the monitoring plan may have been a strategy adopted by the EU in order to avoid

²³ Annex 1 to the decision of execution of the Commission related to the 2016 Annual action programme – part 3 in favour of Morocco C(2016)8836: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/aap_morocco_2016_part_3.pdf

²⁴ This and the preceding quote are the author's translation from the French.

a lack of cooperation by Moroccan authorities, who had already shown an unwillingness to have Brussels keep too close an eye on their activities.²⁵ As one action document from the EU Trust Fund for Africa states:

“This [the budget support] aimed to support the Moroccan State in the global improvement of its migration strategy for a better management of migratory flows and the reinforcement of the fight against irregular migration. However, it has been the object of a reorientation that was translated into an increased attention to the funding of equipment and infrastructures aimed at the new “directorate of migration and border surveillance”, newly created (2003), within the Ministry of Interior and in its representations in the country (“auxiliary forces” and “border surveillance groups”), as well as the operational upgrading of the border posts. Despite these efforts, the fight against migrant smuggling and trafficking in human beings must still be implemented and must face a number of challenges linked to the breadth and increase of criminal networks.”²⁶

The sixth and last project identified in this period (in this case, not through an access to documents request) was ‘DCI-MIGR/2008/152-794 – Seahorse Cooperation Centres’, carried out between 2009 and 2010 by Spain in Morocco, Mauritania, Senegal, Cape Verde, Gambia and Guinea Bissau. The project had an overall budget of €2,503,465 and was provided with €2 million by the EU’s Thematic Programme on Migration and Asylum (TPMA). According to the TPMA’s ‘Overview of projects funded 2007-2008’,²⁷ this project involved the following:

- *“Extension of Seahorse Network (National contact Points in Gambia, Guinea Bissau, Morocco)*
- *Creation of Cooperation Centres in Morocco, Senegal, Mauritania and Cape Verde*
- *Network of Liaison Officers*
- *Training Course on Ports, Coastal and Land Surveillance*
- *Training courses for Maritime Service of Mauritania, Senegal and Gambia*
- *International Police Conference Europe-Africa”²⁸*

²⁵ Daniel Wunderlich, ‘Differentiation and Policy Convergence against Long Odds: Lessons from Implementing EU Migration Policy in Morocco,’ *Mediterranean Politics*, 15(2), July 2010, pp.249–72, <https://doi.org/10.1080/13629395.2010.485052>

²⁶ European Commission, ‘Document d’action Pour Le Fonds Fiduciaire de l’UE à Utiliser Pour Les Décisions Du Comité de Gestion. Soutien à La Gestion Intégrée Des Frontières et de La Migration Au Maroc (T05-EUTF-NOA-MA-05)’, undated, pp.4–5, author’s translation.

²⁷ As for the AENEAS programme, this document does not constitute an evaluation. Page five of the report states: “A Mid-term Review of the Thematic Programme is currently being carried out by a team of experts external to the European Commission and should be available in the course of 2010”. The report makes clear that: “The duration of projects and some implementation details (such as activities, results, and implementing partners) may vary or change during their evolution.”

²⁸ European Commission, ‘Thematic Programme on cooperation with Third Countries in the Areas of Migration and Asylum - Overview of projects funded 2007-2008’, undated, https://ec.europa.eu/europeaid/sites/devco/files/publication-migration-asylum-programme-projects-funded-2007-2008_en.pdf

It is possible to conclude that between 2001 and 2010, the European Union provided at least €68.6 million for projects related to border security in Morocco and at least €6 million for multi-country projects related to border security, of which Morocco was one of the beneficiaries. Only one of these projects (the CECO project) has a publicly accessible evaluation that makes it possible for the public to know with certainty what was done with the funding. For the other projects there is no such publicly-available evaluation, and for three of them *Statewatch* had to argue – successfully – against the Commission’s initial decision to refuse to release the relevant documents.

Despite accepting some of the arguments made in our confirmatory applications, both DG HOME (Migration and Home Affairs) and DG DEVCO continued to withhold information due to public security concerns. In the case of the projects managed by DG HOME, the information withheld was quite substantial, making it impossible to understand the kind of border control equipment purchased through EU funding and the locations in which it had been deployed. The Commission justified the decision by arguing:

“Illegal migration, and more particularly the fight against human trafficking, is a very sensitive issue. Public disclosure of detailed information about the cooperation between the countries affected by that problem would result in undermining the public interest as regards public security. There is a realistically foreseeable and not hypothetical risk that disclosure of this information to the public at large would undermine the actions intended against the illegal migration and human trafficking. The illegal migration channels would use the disclosed information to counter the measures designed to control them, by having the specific knowledge of the operational details of the actions.”²⁹

The use of the public security exception in response to access to documents requests is an issue that will soon come before the Court of Justice of the EU, which may help to clarify when and where that exception can be justified.³⁰

Given the concerns about the human rights consequences of border control, it is worrying that the Commission considers that public scrutiny of the equipment and deployment locations of material purchased through EU funding threatens public security. Indeed, that public information about the implementation of the projects has to be so concealed suggests that the use of development funding for border control purposes is not fit for purpose. Such funding is supposed to be used for the benefit of people in ‘developing’ countries. Should it really be used for projects on which information cannot be revealed because it would apparently pose a security risk to those in ‘developed’ countries?

6. 2011-2018: Spotlight on “integration”

No aid-financed projects for Moroccan border security were identified between 2011 and 2018. However, in that period, the EU focused on supporting Morocco in the implementation of the migration policy reform noted above, in particular regarding the “integration” of migrants and

²⁹ European Commission, 25 June 2019, C(2019)4926 final, p. 4

³⁰ ‘Action brought on 20 January 2018 – Izuzquiza and Semsrott v Frontex (Case T-31/18’, Official Journal of the EU, C 112, p.36, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2018:112:FULL>

refugees. In 2015, the EU allocated Morocco €10 million for the promotion of migrants' integration as part of the 'Support for partnership, reforms and inclusive growth (SPRING)', managed by DG DEVCO. In 2016, the EU allocated €35 million in budget support to Morocco for its migration policy. Both programmes are part of the financial envelope allocated for the implementation of the EU-Morocco Mobility Partnership, signed in 2013.³¹ Between 2016 and 2018, Morocco was allocated a total of €16.58 million from the EU Trust Fund for Africa for three programmes on the fight against xenophobia (€5.5 million),³² the judicial empowerment of migrant people (€4.58 million)³³ and assistance to vulnerable migrant people (€6.5 million),³⁴ managed by the FIIAPP³⁵ and the Spanish Development Cooperation Agency, the Belgian Development Agency and the EU respectively.

As noted previously, the implementation of the new Moroccan migration policy has not been straightforward. Although it has implemented two regularisation campaigns for undocumented people, the Moroccan parliament has adopted just one of the three laws announced with the reform (dealing with human trafficking), while the new migration act and the law on asylum are still stuck in the legislative pipeline. Regarding integration, migrants face difficulty in accessing public services to which they are entitled.³⁶ As the NGO *GADEM* stated in a recent report, the contribution of the EU and other donors (such as the Swiss Development Agency) in the field of migrant assistance in Morocco compensates for the lack of engagement of Moroccan authorities in the formulation and implementation of a real integration policy. As the NGO argues, "the finance laws from 2013 to today reflect the little actual interest and show a weakness in the practical measures for the implementation of the [National] Strategy [for Immigration and Asylum, NSIA]. The NSIA is mainly implemented by cooperation agencies or international organisations, benefitting from funding essentially coming from Europe."³⁷

7. 2018 onwards: "crisis" and enhanced security

In 2018, the EU's attention turned back to border security. The impetus for enhanced cooperation between the EU and Morocco on border security was justified by European leaders as a response to the increased number of irregular border crossings on the Western

³¹ European Commission, 'Programme : PROMOUVOIR L'INTEGRATION DES MIGRANTS AU MAROC (PROGRAMME D'APPUI AU PARTENARIAT POUR LA MOBILITE UE-MAROC), Lignes directrices à l'intention des demandeurs, Ligne(s) budgétaire(s): BGUE-B2013-19.080101-C1-DEVCO SPRING', 2017

³² European Commission, 'Annexe IV à l'Accord Instituant le Fonds Fiduciaire 'European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa', et ses règles internes', undated, https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/ma_action-document-maroc-action-fiche-20161216_fr.pdf

³³ European Commission, 'Empowerment juridique des personnes migrantes', 4 December 2017, https://ec.europa.eu/trustfundforafrica/region/north-africa/morocco/empowerment-juridique-des-personnes-migrantes_en

³⁴ European Commission, 'Document d'action à utiliser pour les décisions du comité opérationnel T05-EUTF-NOA-MA-03', <https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ma-03.pdf>

³⁵ *Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas*.

³⁶ Plateforme Nationale de Protections Migrants, 'Etat Des Lieux de l'accès Aux Services Pour Les Personnes Migrantes Au Maroc: Bilan, Perspectives et Action de La Société Civile', 2017.

³⁷ *GADEM*, 'Coûts et Blessures. Rapport Sur Les Opérations Des Forces de l'ordre Menées Dans Le Nord Du Maroc Entre Juillet et Septembre 2018 – Éléments Factuels et Analyse', 2018, p.54, *Statewatch* translation.

Mediterranean route in 2018. According to data compiled by Frontex, 57,034 irregular border crossings attempts were recorded on the Western Mediterranean route in 2018. This is an increase over the previous year, when 23,063 irregular border crossings attempts were recorded in the same area between January and December 2017.³⁸ Moroccan authorities, on their side, publicly declared that they had disrupted 76,000 irregular emigration attempts, although these figures have been questioned.³⁹

Despite having been publicly portrayed as a “crisis”, the increase of arrivals to Spain from the Moroccan coast has occurred in a context of a remarkable overall decrease in irregular crossings of the EU’s borders. As a note circulated by the Romanian Presidency of the Council of the EU in February 2019 argued: “in 2018, around 150,000 irregular arrivals were registered at the EU external borders, a 25% decrease compared to 2017, and the lowest level in 5 years.”⁴⁰ It is not readily apparent that an increase of 30,000 people crossing the Strait of Gibraltar justifies a massive deployment of security and diplomatic resources – yet through a new round of funding, this is what appears to be happening.

Over the course of 2018, the European Union allocated €140 million worth of development funding to Morocco to reinforce the state’s ‘border management’ capabilities. Funding was granted through three projects:

- **Border Management Programme for the Maghreb region (BMP-Maghreb),**⁴¹ funded through the EU Trust Fund for Africa to assist both Morocco and Tunisia in the reinforcement of their border management strategies. The programme, managed by ICMPD, is worth €55 million. €30 million is for Morocco alone, with the Moroccan Ministry of Interior as the main beneficiary. Activities are focused on upgrading state capacity on integrated border management, developing IT infrastructure for “collecting, archiving and identifying digital biometrics” and the improvement of border control through the acquisition of terrestrial, aerial and naval control equipment, such as the purchase of drones for the Moroccan Border Police.⁴²
- **Support to the integrated management of borders and migration in Morocco** (*Soutien à la gestion intégrée des frontières et de la migration au Maroc*), awarded €40 million from the EU Trust Fund for Africa. The project will be managed by Spain’s FIIAPP over a period of 36 months. The programme aims to implement a number of activities, including the acquisition of equipment for the surveillance of sea and land borders, the improvement of the capacity of Moroccan authorities to intercept irregular

³⁸ Frontex, ‘Western Mediterranean Route – Situation in 2018’, <https://frontex.europa.eu/along-eu-borders/migratory-routes/western-mediterranean-route/>

³⁹ Hassan Bentaleb, ‘De gros chiffres mais pas plus : La lutte contre la migration irrégulière enveloppée dans une curieuse opacité’, *Libération*, 29 November 2018, https://www.libe.ma/De-gros-chiffres-mais-pas-plus-La-lutte-contre-la-migration-irreguliere-enveloppee-dans-une-curieuse-opacite_a103659.html

⁴⁰ ‘Council Presidency: “progress” in migration cooperation with Libya should be repeated across North Africa’, *Statewatch News Online*, <http://www.statewatch.org/news/2019/mar/eu-north-africa-coop.htm>

⁴¹ ‘Action document for the implementation of the North Africa Window’, <https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-reg-07.pdf>

⁴² ‘Supply of UAVs (BMP-Maghreb) - Kingdom of Morocco’, *ICMPD*, <https://www.icmpd.org/work-with-us/procurement/cancelled-tenders/supply-of-uavs-bmp-maghreb-kingdom-of-morocco/>

border crossings and carry out search and rescue at sea and the reinforcement of cooperation between Moroccan authorities, EU agencies and EU member states.⁴³

- **“A newly adopted programme worth €70 million to support Morocco in the fight against migrant smuggling and trafficking of human beings, including through a reinforced management of borders.”**⁴⁴ In our December 2018 access to documents request, *Statewatch* asked for documents related to this programme. DG NEAR identified one relevant document (Commission Decision C(2018)8214 and its annex,⁴⁵ discussed above) but denied access to it, citing “protection of the public interest as regards international relations” and “protection of the decision-making process”.

Although no specific information is available about the counter-trafficking project, the other two projects (both funded by the EUTF) focus on acquiring equipment for land and sea border surveillance. It seems obvious that the support of the EU will strengthen the security apparatus of the country through both political support and the provision of material resources. The consequences of this approach are likely to be dire given that, as highlighted in the introduction, the cooperation of Morocco on border security and surveillance comes with a very high cost in terms of human right violations committed by Moroccan security forces against migrant, refugee and asylum-seeking people.⁴⁶

8. Conclusion

Since 2001, the EU has allocated close to €215 million in development funding to projects related to the strengthening of border security in Morocco - €68.6 million for projects implemented between 2001 and 2010 and €140 million for projects currently in course of implementation. In addition, at least €6 million has been spent on multi-country projects related to border security along the Western Mediterranean route, from which Morocco has benefitted alongside other Western African states.

The evaluation report for just one project is publicly available. Based on the activities foreseen for each project, however, it seems reasonable to assume that development aid has been used to increase the capacity of Moroccan state institutions – and in particular of its security apparatus, through the Ministry of Interior – to control its land and sea borders, to exchange and coordinate information with both African and European partners, and that the projects currently being implemented will continue in this vein.

⁴³ The ‘outsourcing’ of search and rescue activities to Morocco by Spain has already had deadly consequences. See: Jane Kilpatrick, “Migration control, not rescue”: squeezing search and rescue in the Mediterranean’, *Statewatch*, 3 September 2019, <https://www.statewatch.org/news/2019/sep/es-mo-sar.htm>

⁴⁴ European Commission press release, ‘Western Mediterranean Route: EU reinforces support to Morocco’, 14 December 2018, http://europa.eu/rapid/press-release_IP-18-6705_en.htm

⁴⁵ ‘DÉCISION D’EXÉCUTION DE LA COMMISSION modifiant la décision d’exécution C(2013)7666 relative au Programme d’Action Annuel 2013 (partie 2) en faveur du Maroc à financer sur le budget général de l’Union européenne’

⁴⁶ Yasha Maccanico, ‘Morocco: Wherever EU immigration policy rears its ugly head, violence and abuses follow’, *Statewatch*, October 2018, <http://www.statewatch.org/analyses/no-334-morocco-migration-expulsions.pdf>

People on the move have often faced violence at the hands of the Moroccan authorities in the name of enforcing the country's migration policy. Nevertheless, the Commission is reticent to acknowledge that it may have contributed in some way to operations by the Moroccan security forces in which individuals' human rights have been violated. An EU official told Statewatch in response to questions submitted to the Commission that Morocco "advocates for a humanistic approach that considers human rights and integration as its first priority," and funding from the EU also goes towards projects "that favours integration of migrants, as well assistance to those migrants who are most vulnerable, in particular women and youth."

Furthermore, when asked "What monitoring, reporting and evaluation system is in place for the funds being disbursed and the projects implemented via those funds?", the same EU official answered that:

"Should there be any rights violations, those are reported to the EU by the implementing partners as per projects' legal provisions. On top of this type of exercise, the EU relies on the external view following project monitoring missions undertaken by external experts, who report on whether the conditions on the ground are conducive to achieve the planned objectives, also in respect of human rights international standards."

If this is the official EU policy, it is legitimate to ask why the EU does not seem to have monitored the implementation of the largest budget for border security allocated to Morocco in the 2001-10 period (over €67.5 million in budget support for the interior ministry), and what guarantees there are that monitoring standards will be maintained this time round.

It is important to remark that the funding allocated after the alleged "crisis" of 2018 (which can hardly be considered as such in the broader regional context) comes to more than double the aid money allocated to border security during the previous period. This is particularly concerning, especially given that, as *GADEM* argued in a 2018 report, Morocco already has "gigantic means to control its borders", including fences at the border with Algeria, and two military satellites.⁴⁷ It must be questioned whether the development funding allocated to Morocco for border control is fit for purpose and whether it might be better spent, for example, on the reception and integration of migrant, refugee and asylum-seeking people in Europe.

The most striking finding of this report is the reticence of the Commission in sharing documents reporting on and evaluating the actions for Moroccan border security funded by development aid. This is unacceptable given that the existing publicly-available reports generally provide little more than minor details on the projects in question; and, furthermore, that some of the funding in question was disbursed over a decade ago. Public spending should be submitted to the widest possible scrutiny and debate, particularly when it concerns issues as sensitive as those arising from the manner in which democratic societies seek to control and manage their borders. Furthermore, the apparent lack of monitoring and evaluation of the use of development funding allocated under the form of budget support to the Moroccan Ministry of Interior is disturbing, not only because it is at odds with the requirements of good

⁴⁷ *GADEM*, 'Couts et Blessures: Rapport sur les opérations des forces de l'ordre menées dans le nord du Maroc entre juillet et septembre 2018', 2018, p.56, https://www.lacimade.org/wp-content/uploads/2018/10/20180927_GADEM_Couts_et_blessures.pdf

administration, but because it raises questions over the extent to which the Commission is ready to turn a blind eye to human rights abuses, malpractice, or just inefficiency, in the name of border security.

9. Annex: funding overview

	EU contribution	Category	Start year	Budget line
2001-10: Creating a border infrastructure				
2001/HLWR/118 - Fight against Illegal Immigration	€370,682.00	Border management/ security	2001	B7-667
Centres de communication opérationnels (Operational Communication Centres) – CECO	€665,980.00	Border management/ security	2001?	B7-667
Project Seahorse	€2,000,000.00	Border management/ security	2005	AENEAS
Seahorse Network	€1,999,043.00	Border management/ security	2006	AENEAS
Budget support for border management	€67,625,000.00	Border management/ security	2007	Geographic Instrument
DCI-MIGR/2008/152-794 – Seahorse Cooperation Centres	€2,000,000.00	Border management/ security	2009	Thematic Programme on Migration and Asylum
Total 2001-10	€74,660,705.00			
2011-18: Spotlight on "integration"				
Promotion of integration of migrants in Morocco	€10,000,000.00	Migration policy	2015	Support for partnership, reforms and inclusive growth (SPRING) (EU-Morocco Mobility Partnership)
Budget support for migration policy	€35,000,000.00	Migration policy	2016	EU-Morocco Mobility Partnership
Fight against xenophobia	€5,500,000.00	Migration policy	2016	EU Trust Fund
Juridical empowerment of migrant people	€4,580,000.00	Migration policy	2017	EU Trust Fund
Assistance to vulnerable migrant people	€6,500,000.00	Migration policy	2018	EU Trust Fund
Total 2011-18	€61,580,000.00			
2018-present: "crisis" and enhanced security				

	EU contribution	Category	Start year	Budget line
Border Management Programme for the Maghreb region (BMP-Maghreb)	€30,000,000.00	Border management/ security	2018	EU Trust Fund
Support to the integrated management of borders and migration in Morocco	€40,000,000.00	Border management/ security	2018	EU Trust Fund
Support "in the fight against migrant smuggling and trafficking of human beings, including through a reinforced management of borders."	€70,000,000.00	Border management/ security	2018	EU Trust Fund?
Total 2018-present	€140,000,000.00			
Grand total 2001-18	€276,240,705.00			
Total for border security/management	€214,660,705.00			
Total for migration policy	€61,580,000.00			

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