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Access denied: Secrecy and the externalisation of EU migration control



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Research

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Abbreviations

AMIF	Asylum, Migration and Integration Fund
ASGI	Associazione per gli Studi Giuridici sull'Immigrazione
BiH	Bosnia and Herzegovina
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defence Policy
DG HOME	European Commission Directorate-General for Migration and Home Affairs
DG NEAR	European Commission Directorate-General for Neighbourhood and Enlargement Negotiations
ECI	Equipe Conjointe d'Investigation
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EU	European Union
EUAA	European Union Agency for Asylum
EUROSUR	European Border Surveillance System
GDP	Gross Domestic Product
GPS	Global Positioning Satellite
IBM	Integrated Border Management
ICMPD	International Centre for Migration Policy Development
ICT	Information and Communication Technologies
IOM	International Organization for Migration
JIT	Joint Investigation Team
MEP	Member of the European Parliament
NDICI	Neighbourhood, Development and International Cooperation Instrument
PR	Public relations
RAC	Risk Analysis Cell
RSF	Rapid Support Forces
SIENA	Secure Information Exchange Network Application
UNHCR	United Nations High Commissioner for Refugees

Foreword

In September 2020, the European Commission published the New Pact on Migration and Asylum, which is meant to determine the direction of the EU's migration and asylum policy, as well as its reform in the coming years. Instead of enhancing solidarity and a fair framework of cooperation, however, the Pact represents a continuation of externalising responsibility and securitising migration and asylum policies. At the core of the European Commission's proposal are relocation and 'voluntary solidarity' mechanisms, which give EU Member States the flexibility to refuse to receive refugees. One of the main objectives is the expansion of collaboration and cooperation with third countries on border and migration control.

Through financial means, policy and legal measures, the EU continues to search for solutions outside of its territory to prevent migrants and refugees crossing its borders. However, the EU's externalisation activities are often opaque with regard to how the EU's cooperation looks on the ground in third countries, and what consequences these might have. While hiding behind third countries or individual Member States, the need to protect the human rights of migrants and refugees is often left behind in the process. The discussions around the New Pact are ongoing, and the adoption of the European Commission's proposal could lead to an increase of human rights violations for migrants and refugees in the European Union and at its external borders. The EU's migration and asylum policy needs to be rethought and build upon European responsibility and solidarity, with the protection of human rights at its core.

It is against this background that the Heinrich-Böll-Stiftung European Union office commissioned this study by Statewatch to examine the transparency and accountability of the operational side of the New Pact. We would like to thank the authors Chris Jones, Romain Lanneau and Yasha Maccanico, as well as Nidžara Ahmetašević, Jane Kilpatrick, Rhoumour Ahmet Tchilouta and Said Tbel, for producing this paper and their effort to shed light on the EU's border and migration management activities.

With this study, we hope to contribute to a fact-based debate on transparency and accountability of the EU's current and future migration and asylum policy, in order to improve the human rights situation of migrants and refugees at the EU's external borders.

Brussels, December 2022

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Executive summary

For at least three decades, the EU and its Member States have engaged in a process of “externalisation” – a policy agenda by which the EU seeks to prevent migrants and refugees setting foot on EU territory by externalising (that is, outsourcing) border controls to non-EU states. The EU’s New Pact on Migration and Asylum, published in September 2020, proposed a raft of measures seeking to step up operational cooperation and collaboration in order to further this agenda.

This report aims to contribute to public and political debate on the transparency, accountability and legitimacy of the externalisation agenda. It contains a series of case studies on three key target states for the EU – Bosnia and Herzegovina, Morocco and Niger – based on information received in response to access to documents and freedom of information requests submitted to institutions within those countries, as well as within the EU itself.

Those requests sought to uncover more information on three main themes: repressive measures (such as support for border and police forces), cooperation on deportation and readmission, and information campaigns on the risks and dangers of irregular migration. The case studies themselves are structured on the basis of the information that was received in response to the requests, covering five different topics.

The first, *High-level diplomacy for migration control*, examines diplomatic and political engagement by EU officials with counterparts in Morocco and Niger. Engagement with both countries has been extensive in recent years, and Niger has even received a visit from the president of the European Commission, Ursula von der Leyen – although details of what was discussed during that visit were withheld from release. Engagement with the Nigerien authorities has, however, clearly had an effect: the country recently announced a new “operational partnership” with the EU to counter migrant smuggling.

The second case study, *Boots on the ground in Niger*, shows that part of that “partnership” is likely to involve the expansion of the work of a Joint Investigation Team, funded by the EU and run by France and Spain, which has been active in Niger for the last six years. This is likely to exacerbate issues that have existed since the introduction of an anti-smuggling law in 2015 that has led to hundreds of arrests, extensive unemployment and the diversion of migration to more dangerous routes through the desert. At the same time, the EU’s security sector support mission, EUCAP Sahel Niger, has had its remit extended until 2024 and is now stepping up cooperation with Frontex, the EU’s border agency.

States in the Western Balkans have also been the focus of significant attention as part of the externalisation agenda. The third case study, *Extending the ‘Deportation Union’ in the Balkans*, examines the secret establishment of a “Regional Return Mechanism” in the region, through which EU and Schengen states will provide financial and technical support so that states such as Bosnia and Herzegovina and North Macedonia can step up their ability to increase deportations. The plan was sealed via a ministerial declaration that has,

until now, not been made public. The European Commission has come forward with more than €350 million to support this and other migration control measures in the region.

The externalisation agenda does not just rely upon hard measures such as border controls, police operations and deportations. The fourth case study, *Influence operations in Morocco*, examines two “information campaigns” in Morocco. Projects such as these aim to win the hearts and minds of people who may be thinking about migrating irregularly to the EU, in order to convince them to do otherwise. While an official evaluation of such projects showed that they have little effect, the European Commission announced a fresh round of funding earlier in 2022, which may see a broader range of public authorities – in particular, local and regional governments – drawn further into the field of migration control.

The fifth and final case study, *EU agencies seek a foothold in Morocco*, looks at attempts by the EU to increase the role of Europol and Frontex in that country, a key buffer state for preventing irregular migration into Spanish territory and further into the EU. This has involved the creation of a “Mixed Committee” between Frontex and Moroccan officials, and the EU is seeking to establish formal agreements with Morocco for both Europol and Frontex. In the latter case, the eventual aim is for the deployment of the Frontex standing corps on Moroccan territory, where it would be able to assist with border control, surveillance and deportations.

While each of these case studies reveals some new information, access to substantial amounts of information and documentation was denied by the institutions with which requests were filed. Refusals to release information were justified on grounds of protecting international relations, public security, institutions’ decision-making processes, privacy and commercial interests.

While the number of refusals was extensive, it was not surprising, and highlights one of the key problems with the externalisation agenda. Cooperation with non-EU states is frequently based on diplomatic and political contacts, activity by states’ executives and operational agencies, and through technical and administrative means, giving the authorities ample means to deny access to information. This, in turn, undermines public and democratic scrutiny and accountability. The externalisation of migration control poses significant threats to individual rights in and of itself, and is premised on increasing cooperation with numerous authoritarian and undemocratic regimes. This lack of scrutiny and accountability is therefore a matter of substantial concern.

Moreover, while access to information is limited for those seeking information from EU institutions and agencies (a possibility which in some cases, for example in relation to Frontex, is only open to EU citizens), such access appears to be far more difficult for citizens of those states in which the externalisation agenda is being implemented. The requests that were submitted in Morocco and Niger for this investigation went almost entirely unan-

swered by public institutions. Yet the issue of externalisation is clearly most pressing for citizens of, and people living in or migrating through, 'target' states. They are, after all, the people who will ultimately feel the effects of the measures in question.

The projects and activities documented in this report are just a few of those that are being put into motion by the EU and its Member States to implement the New Pact on Migration and Asylum, which is itself built upon many years of prior action. The secretive outsourcing of migration and border control is set to continue for some time to come, and is likely to continue to rely on secretive forms of cooperation that are not subject to democratic scrutiny and accountability. While much remains unknown and should be the subject of further research, there is also an urgent need to continue exploring ways to hold the authorities to account for actions that threaten fundamental rights, both in the EU and beyond.

Operationalising the New Pact on Migration and Asylum

Outsourcing control

Since the announcement of the EU's New Pact on Migration and Asylum in September 2020, significant public and policy attention has been given to the raft of new and recycled legal measures proposed. New laws seek to introduce detention camps for all people arriving irregularly at the EU's borders that would institutionalise and worsen the disastrous "hotspot" approach launched in Greece and Italy.^[1] Provisions to allow Member States to offer "solidarity" to one another by deporting people rather than accepting refugees for relocation have also been agreed,^[2] alongside further limits to individual rights in asylum proceedings.^[3]

However, the Pact also includes a range of activities that do not require the same institutional to-and-fro as passing new laws. Under the heading of "Operationalizing the Pact" or "Operationalization of the Pact", the EU and its Member States are extending collaboration with third countries through bilateral and multilateral engagement, as well as through entities such as the International Organization for Migration and the International Centre for Migration Policy Development.

The main aim is to increase the ability of those states to contain migrants and refugees and to prevent them setting foot on EU territory. Backed by high-level diplomatic engagement, hundreds of millions of euros are being spent on efforts to shore up border control and migration management infrastructure, joint law enforcement operations, and involvement in third countries' policy and training procedures. Yet with most of these activities being undertaken by executive branches of states, EU and Member State agencies, project consortiums or international organisations, transparency and the means for public and democratic scrutiny and accountability are limited.

Information requests

To try to counter these developments and to inform the ongoing debate on the impact, legitimacy and effectiveness of the EU's externalisation project, we undertook an investigation that sought to use access to documents and freedom of information laws to shed more light on the actions of the EU and its Member States in three of the EU's priority states in terms of the externalisation of migration control: Bosnia and Herzegovina, Morocco and Niger. This report is the result of that investigation.

Bosnia and Herzegovina is a key state for developing the EU's south-eastern buffer zone, and has received generous amounts of funding from the EU and its Member States since the "migration crisis" of 2015, focused primarily on measures for control (rather than reception or integration, for example).^[4] Morocco has played the role of Europe's border guard for three decades, and is being encouraged to continue in that role, with vastly increased

funding.^[5] Niger has also taken on a crucial role in the EU's immigration control agenda over the last decade, serving as a deadly laboratory for new migration policies,^[6] with anti-smuggling legislation promoted by the EU leading to an increased number of deaths in the desert.

Within each state, we principally sought to find out more about three key themes: repressive measures (such as support for border and police forces), cooperation on deportation and readmission, and influence operations (for example, advertising or publicity campaigns warning people of the dangers of irregular migration or the misery of life as an undocumented migrant in Europe). These themes were selected on the basis of an examination of the migration action plans developed by the EU for each state, in consideration of those that represent the most substantial risks to human rights (repressive measures and deportation) and to explore the ways in which the EU and its Member States seek to shape public discourse and individual opinions about migration in third countries (influence operations).

In parallel, we filed a series of requests with EU agencies and institutions requesting the same, similar or related information. The intention was, firstly, to try to obtain the information we were seeking through different avenues. Secondly, we wanted to be able to make a rough comparison between the possibilities for greater transparency regarding the operational side of the Pact in the EU itself, and in the countries that are targeted.

Secrecy prevails

Although the requests led to some new information being released, the overall results demonstrate either the ineffectiveness of national freedom of information regimes (in particular, where we received no response whatsoever) or the reluctance of public institutions to release information on the topics in question, backed up by reasons of protecting public security and international relations. An overview of requests submitted and responses received is contained in Annex I to this report.

For example, in response to a request on cooperation with the Nigerien authorities, the European Commission released 11 documents. Four of these – an agreement between Frontex and EUCAP Sahel Niger, and three UNHCR papers – were already public. The other seven had a collective length of 208 pages. Approximately 29 pages of text were made public – just 14% of the total. In a similar vein, Europol responded to a request for documents on its cooperation with the Moroccan authorities by stating it had identified 27 documents. It gave access to just two of them. Elsewhere, refusals have largely been based on the need to protect public security and international relations – as invoked by Frontex in response to a request for the draft of its planned working arrangement with Morocco.

These grounds for refusal fall squarely within the EU's rules on access to documents, and none of them can be appealed against on grounds of public interest. Herein lies a key problem with the 'partnerships' and other forms of externalisation cooperation undertaken by executive departments and agencies: they do not necessarily permit any form of democratic scrutiny. Undoubtedly, there are certain matters that it is justifiable to keep from public view. Whether the implementation of a policy agenda that presents grave risks to human rights is one of those matters, however, is open for debate.

Aside from formal refusals, a number of responses have also been substantially delayed, so much so that no responses have been received at the time of writing this report.^[7] For the applicant, it is impossible to know whether this is because of the reasons stated – in general, that due to the number of documents identified and that need to be assessed, the statutory time limits cannot be met – or whether it is a question of bureaucratic obfuscation, and an attempt to withhold information from the public that may be detrimental to the institution in question. In practice, it makes little difference – but it does indicate that public institutions do not necessarily have the will or the ability to meet the requirements of the law.

Despite this trend towards secrecy, some new information was released: on the high-level political and diplomatic engagement that has preceded the conclusions of new deals with Morocco and Niger; on the activities of the EU's security mission in Niger, which also has a role in the country's migration management activities; on an intergovernmental programme to aid states in the Balkans with stepping up deportations; on information campaigns in Morocco; and on the engagement of EU agencies with the Moroccan authorities.

That information is presented here in a series of case studies that we hope contribute to the debate on the transparency and accountability of the EU's increasing efforts to externalise migration controls – a policy area that has already been responsible for countless rights violations and that continues to bolster the powers of repressive and authoritarian regimes.

The externalisation of migration control: a longstanding priority

Concentric circles

'Migration control in Europe is seen in terms of concentric circles: EU and EEA [European Economic Area] member states have rigorous external controls and define each other as "safe" for the purpose of returning refugees in transit. The second ring of states are applicant states around the periphery of the EU, which can be prevailed upon to tighten their own controls as a condition of entry. The third circle are those transit countries such as Turkey (whose own production of refugees the report ignores) and Russia, for whom favourable trade conditions can be made to depend on controls on third country nationals entering and cooperation in repatriation. For the fourth circle, the countries of emigration such as China and African countries, development aid can be tied to cooperation on readmission and policies to prevent emigration.'^[8]

The text above describes a document produced by the Austrian government in July 1998, when it held the presidency role within the Council of the EU. Apart from the references to "favourable trade conditions" with Russia, it could almost have been written yesterday. A *Statewatch* article published in 1999 on the Austrian paper and a series of accompanying action plans demonstrates the remarkable consistency over the last three decades in the efforts by the EU and its Member States to externalise migration controls.^[9,10]

The aim of this process is to prevent the arrival of unwanted human beings: people fleeing wars, poverty and a lack of opportunities. Despite changes in the governments of EU Member States, the evident failure of the policy on its own terms (halting irregular migration) and a vast human cost (in the last decade, over 27,000 people have died or gone missing trying to reach the EU by sea alone^[11]), it continues unabated. Indeed, in the last few years, officials have put their foot on the accelerator.

In December 2019, the current European Commission, headed by Ursula von der Leyen of the European People's Party, took office. In September 2020, the New Pact on Migration and Asylum was published, spearheaded by the Commissioner for Migration and Home Affairs, Ylva Johansson. Aside from new legal proposals and various recommendations, there was a heavy emphasis on working more intensively with non-EU "partners". The European Commission's communication argued that:

"...the internal and external dimensions of migration are inextricably linked: working closely with partners has a direct impact on the effectiveness of policies inside the EU. Addressing the root causes of irregular migration, combatting migrant smuggling, helping refugees residing in third countries and supporting well-managed legal migration are valuable objectives for both the EU and our partners to pursue through comprehensive, balanced and tailor-made partnerships."^[12]

Elsewhere, the European Commission's communication referred to: "mutually beneficial partnerships"; "more effective cooperation with third countries," underpinned by a range of new punitive mechanisms such as the slowing or suspension of visa issuance; "tailor-made Counter Migrant Smuggling Partnerships with third countries"; and "new approaches in third countries [and] better linkages with other development initiatives and national strategies, to build third countries' capacity and ownership."

In June 2021, the European Council^[13] – the institution in which EU heads of state and government meet to set out "the EU's overall political direction and priorities" – took up the issue. The conclusions from their meeting note that developments on some irregular migration routes to the EU "give rise to serious concern and require continue vigilance and urgent action." Thus, to save lives and "reduce pressure on European borders, mutually beneficial partnerships and cooperation with countries of origin and transit will be intensified, as an integral part of the European Union's external action."^[14]

Both the European Commission and the High Representative – chief of the EU's foreign policy arm, the European External Action Service – were tasked by the European Council "to immediately reinforce concrete actions," and to develop "action plans for priority countries of origin and transit." These duly followed, with Afghanistan, Bosnia and Herzegovina, Iraq, Libya, Morocco, Niger, Nigeria and Tunisia singled out for renewed attention.^[15] The European Council also demanded "the best possible use of at least 10% of the NDICI financial envelope [...] for actions related to migration."^[16] The Neighbourhood, Development and International Cooperation Instrument (NDICI) is the EU's aid budget for the 2021-27 period. Its diversion towards migration control objectives has been condemned by development NGOs.^[17]

The European Commission's revamped plan against migrant smuggling, published in 2021, continued this trend. It called for the establishment of "Anti-Smuggling Operational Partnerships," intended to consolidate efforts that the European Commission described as "fragmented" and requiring a "more coordinated and structured approach." Echoing the European Council, the plan committed the European Commission, the High Representative and the Member States to "systematically promote cooperation in addressing migrant smuggling as an issue of mutual interest in the EU's relations with partner countries."^[18]

Externalisation: strengthening repressive regimes...

The increasing outsourcing of immigration control activities to third states increases the likelihood of those states committing human rights violations with what amounts to the blessing – or at least tacit approval – of the EU and its Member States. As argued by the scholars Kelsey P. Norman and Nicholas R. Micinski: "Migration management aid empowers interior ministries and directly increases the physical and human resources of security forces." In doing so, it "risks supporting authoritarian practices like repression, rights violations, and corruption."^[19]

This is not a hypothetical problem. In 2017, a report exposed how EU support for border control in Sudan involved "building the capacities of Sudan's security and law enforce-

ment agencies, including a paramilitary group known as the Rapid Support Forces (RSF), which has been branded as Sudan's primary 'border force'.^[20] The RSF was fashioned in part out of the Janjiweed militia, whose former leader is facing trial at the International Criminal Court on charges of war crimes and crimes against humanity.^[21] It was not until two years later, when protests swept across the country, that the EU suspended the projects.^[22] Nevertheless, the broader framework for cooperation with Sudan and other countries in the region, the Khartoum Process, remains in place,^[23] one of multiple regional "processes" on migration through which EU Member States seek to assert their interests.^[24]

A more recent example comes from Morocco. At the time of writing, dozens of people are facing years in prison (on charges such as illegal entry into Morocco and violence against law enforcement officers) in the North African state after having attempted to cross the fence that separates the country from the Spanish enclave of Ceuta in June. To prevent them from reaching Spanish soil, Moroccan border guards fired tear gas and threw stones at them, while Spanish forces fired rubber bullets and more tear gas into Moroccan territory. This was followed up with beatings and a refusal to provide medical assistance: "While injured and agonising people pleaded for help, others continued being piled onto them and violence continued, sometimes on handcuffed people with their stomachs on the floor."^[25]

...and reinforcing secrecy

One key aspect of these new and renewed forms of cooperation with third states is that they can be implemented through informal, administrative or technical procedures. The projects and policies in question are being driven by the European Commission, EU agencies, the executive and operational branches of EU Member States and their third country 'partners', as well as international organizations. Work takes place behind closed doors with foreign counterparts. When the EU passes new laws, the European Parliament has to be involved. However, when it designates a state as a priority for increased migration cooperation and subsequently agrees an "Anti-Smuggling Operational Partnership" with that country, MEPs do not even have to be informed, let alone consulted or involved in taking the decisions.

The "migration action plans" that underpin the EU's renewed cooperation initiatives with Bosnia and Herzegovina, Morocco and Niger provide a relevant example of this tendency towards secrecy and informality. These were drawn up by the European Commission and then circulated in the European Council for approval by EU governments, with no role for the European Parliament. Although they have all been published,^[26] officially they remain largely off limits to the public.^[27]

Behind this veil of official secrecy lies a vast array of objectives, very few of which require the involvement of elected officials in debate, discussion or scrutiny. For example, the action plan on Nigeria notes the possibility of deploying:

"...a wide range of policy tools, including development cooperation, security, visa, trade, agriculture, investment and employment, energy, environment and climate change, and education, which are adjustable over time and handled as part of a tailor-made approach."^[28]

Similarly, for Bosnia, the plan notes the importance of “political engagement, including policy dialogue, summits and meetings, and engagement through the EU Special Representative in Sarajevo, as well as through monitoring by the European Commission.”^[29]

The issue of readmission agreements provides another relevant example. The EU has 18 readmission agreements with third states,^[30] which create obligations on both contracting parties to readmit their nationals (and potentially citizens of other states) subjected to forced or ‘voluntary’ removal by the other contracting party. Readmission agreements are international treaties that require the consent of the European Parliament to enter into force.^[31] However, in recent years the EU has taken to concluding what it refers to as “legally non-binding readmission arrangements,”^[32] which require no parliamentary scrutiny at all.

In May 2022, researchers filed complaints with the European Ombudsman regarding the Council of the EU’s refusal to release documents relating to these arrangements. They were informed that “the Council was justified in refusing to grant public access to the documents at issue,”^[33] an assessment which is legally correct: the EU’s rules on access to documents allow release to be refused in order to protect international relations, and there is no public interest test that can override this.^[34] This, however, merely serves to underline the problem for the public with the conclusion of informal deportation “arrangements”, which provide ample opportunities to avoid public and democratic scrutiny. As the academic Mauro Gatti has argued:

“The opacity of migration deals is probably deliberate. By keeping the public in the dark, informal deals allow EU executives (the European Council, the Council, the Commission and the governments of the Member States) to escape democratic control... Given the secretive approach of EU executives and the weakness of parliamentary and judicial control, opacity is likely to characterise migration deals also in the future.”^[35]

The externalisation agenda that has intensified under the 2020 Pact relies heavily on just such an approach. By advancing these policies through channels that remain beyond formal scrutiny, a proliferation of different initiatives is – entirely lawfully – excluded from meaningful oversight. There is of course no guarantee that greater involvement of the European or national parliaments in these processes would lead to greater protection of human rights, in particular given the current political make-up of those institutions, but it would at least provide more substantial opportunities to seek change. The detrimental effects of the externalisation agenda for human rights, and the ways in which it seeks to strengthen the coercive capabilities of third states, should be far more prominent on the political agenda at both the national and European level. We hope that the case studies that follow contribute to that effort.

High-level diplomacy for migration control

The externalisation of Europe's migration control machinery is propelled by substantial efforts to woo politicians from 'target' states. A series of high-level visits have taken place in recent years to both Morocco and Niger, as EU officials seek to secure cooperation from their counterparts abroad, in particular in the realm of border control and police cooperation against migrant smuggling. However, while the public is permitted to know that these visits have taken place, any substantial details of what takes place at them remains hidden from view.

From Morocco...

Morocco is a country of particular interest for the current European Commission. In 2022 alone, the kingdom has received visits from the Commissioner for Home Affairs and Migration, Ylva Johansson, and the Commissioner for Enlargement, Olivér Várhelyi, as well as the President of the Commission, Ursula von der Leyen.

In December 2020, Johansson and Várhelyi visited Rabat and Tangier. They met the press and carried out a number of visits: to a DG HOME-funded project on labour migration, a religious training institute and a UNHCR project. There were also meetings with officials. Their names were censored in the response to the access to documents request – according to the European Commission, due to the EU's data protection legislation. However, the European Commission's own transparency register states that Johansson and Várhelyi met with Nasser Bourita, the Minister of Foreign Affairs, and Abdelouafi Laftit, the Moroccan interior minister.^[36]

The details of those discussions remain unknown, but during the visit, Johansson underscored to reporters the EU's "very good cooperation" and "privileged partnership with Morocco."

"There is a special relation between the EU and Morocco. And Morocco is a very trustworthy partner, that's what we have learned, we would like to continue with that partnership and collaboration... I very much appreciate all the enormous efforts that Morocco is doing when it comes to managing migration and I think it works very well in many aspects."^[37]

Six months later, however, the Moroccan authorities stopped preventing irregular departures to the Spanish enclave of Ceuta. Thousands of people arrived on Spanish territory in just a few days, with many of them summarily deported. Reports indicated that the Moroccan government had taken the action in response to the Spanish government's decision to allow the leader of the Polisario Front, which is seeking independence from Morocco for the disputed territory of the Western Sahara, to enter the country for medical treatment.^[38]

While in-person visits were put on hold by the restrictions put in place to manage the pandemic, 2022 has seen a raft of high-level engagements by EU officials. In February, Ursula von der Leyen visited Morocco. Our request for access to all the documents held by the European Commission relating to that visit was denied – the documents in question

“contain very sensitive information about the EU’s relations to an important partner country,” and releasing the “assessments, analysis and recommendations” in those documents would undermine international relations by negatively affecting “the atmosphere of mutual trust,” between the EU and Morocco, the response argued.

Furthermore, releasing the documents would:

“...reveal information that can be used by third countries to bring an undue pressure on the Commission and unduly limit the room for manoeuvre of the European Union on the international stage. Disclosure would therefore jeopardise the European Union’s international position.”^[39]

Some might argue, of course, that the EU and its Member States have severely limited their own room for manoeuvre by contracting third states to act as border guards: as the incident in May 2021 revealed, Morocco is able to use migration as a pressure point to try to extract concessions or make demands of the EU and its governments (the Turkish government has played exactly the same game^[40]). In any case, with release of the information refused, all that is left is public relations: in this case, a bland statement by von der Leyen that breezily referred to the way European and Moroccan culture “have been influencing one another, enriching one another for centuries.” This is no doubt true, although the ways in which that influence has been exercised are important: the French government invaded Morocco in 1907 and in 1912 established a so-called “protectorate” that lasted until 1956; the Spanish also had a colony in Morocco for the same period, the remnants of which can be seen in the enclaves of Ceuta and Melilla.

Just over a month after von der Leyen was in Morocco, the Director-General of DG HOME, Monique Pariat, visited the country for a ‘High-Level Informal Migratory Dialogue’. The European Commission released the agenda for this event^[41] (as well as a ‘High-Level Security and Migration Dialogue’ held in 2019^[42]) but withheld a report on the visit, stating:

“The EU is not at liberty to share the stance of Morocco presented in the documents as Morocco’s official line. In that regard, sharing Morocco’s stance or position during the meetings could directly harm the need to ensure a trust-based relationship with Morocco and impact international relations and negotiations with Morocco on migration and security related aspects during meetings.”^[43]

By refusing to release the report, the European Commission has also, of course, refused to disclose its own stance or position. The decision refusing access was, ironically, signed by Monique Pariat. The agenda itself reveals little, apart from that the topics covered were those one would expect to see: the EU’s New Pact on Migration and Asylum, the possibilities for cooperation with EU agencies (namely, the European Asylum Support Office – now the EU Agency for Asylum – and Frontex), border management and the fight against smuggling and trafficking, visas, deportations and so on.

...to Niger

The Nigerien capital Niamey, 1,500 miles southeast of Rabat, has been another popular location for visits by EU officials, with the aim of encouraging the government to prevent the onward movement of people to Algeria and Libya, and subsequently to Europe. Over the course of two months, earlier in 2022, the country received delegations headed by: Ylva Johansson; the Commissioner for International Partnerships, Jutta Urpilainen; and the Deputy-Director General of DG HOME, Johannes Luchner. While in this case the European Commission released some documents relating to the missions, the vast majority of the substance has, again, been removed in order to protect international relations.

The report from Johansson's visit from 13-15 February describes it as a "productive two-day mission," and refers to the plan to seal a renewed "operational partnership" with the country, although the document provides no new information on what that partnership consists of. The note on Urpilainen's report is also largely censored, although it is clear that the EU is enthusiastic about cooperation with the country on multiple fronts: it highlights that Niger was a co-sponsor of the UN General Assembly resolution against the Russian invasion of Ukraine, and is described as "an example of democratic resilience" in the region.

Nothing of what has been made public in either document refers to the human rights situation in the country. Yet the Nigerien authorities "imposed an internet shutdown for several weeks in February/March," following protests against the election of Mohame Bahzoum as president, and the authorities "judicially harass journalists reporting on public affairs," according to *Amnesty International*.^[44] Just a week after Johansson visited, Bahzoum approved a decree that "provides for total control of NGOs' actions by the Nigerien authorities [...] furthering the reduction of civic space that has been occurring in the country since 2014," according to the *International Federation for Human Rights*.^[45]

Johannes Luchner, the Deputy-Director General of DG HOME, received a 75-page briefing note ahead of his visit to Niger on 11 and 12 April, though the vast majority of this document has been censored by the European Commission.^[46] The report of his mission is even less informative, with the only text that is not redacted reading: "I visited Niger [censored]. This mission was a follow-up to the visit by Commissioner Johansson in February of this year."^[47]

Johansson, meanwhile, has not just met Nigerien officials in Niger itself. At the International Migration Review Forum in May, she held bilateral talks with the country's interior minister, Hamadou Amadou Souley. The only information released by the European Commission from the briefing paper prepared for Johansson for that event is a generic introductory paragraph.^[48]

The reason for all this secrecy? At the time the access to documents requests were submitted, "the European Commission was in constant liaison with the Government of Niger before its launch of the EU's first ever Anti-Smuggling Operational Partnership with a third country." The European Commission went on to explain:

“Disclosing information on preparations for this event would have grossly prejudiced the European Commission’s ability to conduct international relations with Niger... Not disclosing the information cited above remains essential to the European Commission’s ability to conduct international relations with the Government of Niger.”^[49]

The lack of transparency surrounding these visits and negotiations provides a clear example of the problem discussed in the preceding section of the report: by pursuing externalised migration policies through diplomacy and informal ‘deals’, meaningful public scrutiny and democratic oversight is completely side-lined. Given the effects of the EU’s initiatives in Niger (discussed in the following section), this approach seems designed to avoid precisely what is needed most: transparency and accountability.

Boots on the ground in Niger

Niger is ranked as one of the world’s least-developed countries by the UN, and is beset by widespread poverty and the presence of armed militant and terrorist groups, at the same time as possessing substantial natural resources.^[50] It has been the focus of substantial interest and engagement by the USA, European states and the EU itself, with a significant power imbalance (Niger is heavily dependent on foreign aid) between the different sides. The EU has become increasingly interested in making the country part of its efforts to externalise migration control, particularly since 2015, with the EU seeking to reinforce the Nigerien state’s security structures through the provision of training, advice and equipment. A security mission, cooperation with Frontex, and the increased deployment of European police officers are the focus of this work.

Empowering internal security forces

A decade ago, the EU launched a civilian assistance program for the internal security sector in Niger, known as EUCAP Sahel Niger. This provides training, mentoring, strategic advice and “equipment and infrastructure support” to the country’s internal security forces: the National Police, the Gendarmerie and the National Guard, as well as the country’s army and criminal justice authorities. Around 150 officials from EU Member States are deployed on the mission.^[51]

The 2012 decision launching the mission referred to the EU’s “longstanding interest in reducing insecurity and improving development in the Sahel region,” as well as “the intensification of terrorist actions and the consequences of the conflict in Libya” that had “increased the urgency of protecting Union citizens and interests in the region and preventing the extension of those threats to the Union.”^[52]

Over time, the mission’s mandate has been extended. In 2016, the Council of the EU agreed that it should “assist the Nigerien central and local authorities and security forces in developing policies, techniques and procedures to better control and fight irregular migration.”^[53] The amendment was well-timed: it came a year after the Nigerien government, under heavy

pressure from the EU, adopted a law on the criminalisation of smuggling with the aim of preventing the onward movement of people towards EU territory. In September 2022, the mission was extended for a further two years and awarded a budget of €72 million.^[54]

A peek inside

In September 2021, the mission received a visit from Francisco Esteban Pérez, a former commander in Spain's *Guardia Civil* and the European Gendarmerie Force, and now the EU's Civilian Operations Commander and Director of the EU's Civilian Planning and Conduct Capability (CPCC). The CPCC is part of the European External Action Service (EEAS), the EU's foreign policy department, and is "the Operational Headquarters for the civilian CSDP Missions."^[55] The report of Pérez's trip was released in response to a request filed as part of this investigation, and, although it should be read critically, it provides an interesting insight into the functioning of the mission.

Pérez "was met with a very good and open attitude from the different Niger authorities," the report recounts, while the staff of the EU mission "broadly and openly showed appreciation for the 'Brussels attention'" as they had not received a visit from the headquarters for some time.^[56]

During the visit, Pérez met with Niger's Minister of Finance, who "revealed that current budgetary planning calls for a rise in investment on security of a total of 17% of the Niger GDP," increasing from 13.4% of GDP.^[57] If achieved, this would put "75,000 men (in equal shares of 25,000 each)" in the National Police, National Guard and Gendarmerie, and 50,000 in the army (an increase of 25,000). By comparison, in 2020, EU Member States spent an average of 1.8% of GDP on "public order and safety."^[58] Average military spending across EU Member States in 2019 was 1.2% of GDP.^[59]

This disproportionate expenditure on security can, at least in part, be explained by the interests of foreign governments. In pursuit of a militarised form of security, funds from the USA, EU and EU Member States are bolstering the repressive authorities in a country with "a history of military coup d'états, weak governance (especially in the security sector), and ineffective and politicized security services."^[60]

Pérez's report did not mention any such issues. Rather, it served to transmit to the authorities in Brussels the views of the security officials he met. For the Nigerien authorities, their key needs included: increasing the ability of the state's security forces to operate in remote areas; building up "the investigative capacities" of the Gendarmerie, National Police and National Guard; and stepping up cooperation and coordination between different security forces and agencies. Pérez also cites the EU mission's head of operations, who appears to equate the movement of human beings with terrorist attacks and criminal activity: "Terrorism, Organised Crime and Illegal Migration constitute the main elements that currently pose a serious threat to the security and stability of the Country."^[61]

It is notable that this view came from a European official – Pérez does not report any of the Nigerien officials he met mentioning irregular migration or border controls. Nevertheless, EUCAP Sahel Niger has put significant efforts into making use of its expanded mandate. In a “flagship project of the EU mission,” financed by the US, German and Dutch governments, a unit of the National Police comprising 250 officers deploys “Mobile Border Control Units,” and has reportedly been so successful that “Niger now wants to equip each of the three internal security forces – police, national guard and gendarmerie – with a number of such special units in each.”^[62]

The EU mission’s approach is based around providing “training and logistics” and monitoring, and “will soon try on [sic] with mentoring (embedding experts in relevant ministerial services).” However, there are also ongoing plans for the mission to cooperate more closely with other EU activities in the country. The head of the EU delegation in Niger affirmed that “Niger is a groundbreaker on integrated approach,” with those responsible for development and security policies establishing “a symbiotic ecosystem in which both sides work in a fully integrated manner and develop their actions with the utmost synergy.”^[63] EUCAP Sahel Niger is also exploring ways to step up cooperation with the European Gendarmerie Force,^[64] and senior officials from the Nigerien Gendarmerie emphasised to Pérez “the special importance of the role that EUCAP Niger can play in interfacing between the Niger’s criminal justice and the EU Justice and Home Affairs Agencies.”^[65]

Frontex gets involved

Since 2017, a Frontex liaison officer has been deployed in the Nigerien capital, Niamey. This was the first such deployment on the African continent, and has since been followed up with a deployment in Senegal.^[66] Liaison officers are responsible for “maintaining contacts with the competent authorities of the third country to which they are assigned with a view to contributing to the prevention of and fight against illegal immigration and the return of returnees.”^[67]

The following year, the agency opened a ‘Risk Analysis Cell’ (RAC) in Niger. This is “run by local analysts trained by Frontex” and serves to “collect and analyse strategic data on cross-border crime in various African countries and support relevant authorities involved in border management.” Other RACs have been opened in subsequent years in Nigeria, Ghana, Senegal and The Gambia, and in 2021, the communication network was upgraded to allow “secure and instantaneous communication” between the RACs and Frontex officials in Warsaw.^[68] The journalist Giacomo Zandonini has described the cells as links in “the ever-expanding chain that is the EU’s information-driven response to border management and security.”^[69]

A recent development aims to further increase Frontex’s activities in the country. An agreement between Frontex and the Nigerien authorities is under discussion, and on 15 July, the border agency and EUCAP Sahel Niger signed a working arrangement that seeks to ensure “the promotion of European integrated border management [IBM] [...] standards” and “situational awareness and risk analysis”. This will involve supporting “capacity building with a view to promoting IBM standards” amongst the Nigerien authorities, the

mutual deployment of visiting experts and cooperation in the framework of EUROSUR, the European Border Surveillance System.^[70]

EUROSUR is made up of a vast network of surveillance devices and information sources. Initially it encompassed surveillance systems run by EU Member States and Frontex, but it is being expanded to third states, particularly in the Western Balkans^[71] and also, it seems, Niger. For the purposes of the working arrangement, Frontex and EUCAP Sahel Niger have agreed “to establish and share specific situational pictures [...] to enrich the European situational picture and, when relevant, to share analytical reports,” including those generated by the Risk Analysis Cell in Niamey.

The topics of interest are “crises possibly having a direct or indirect impact on the external borders of the EU and the Republic of Niger in the context of IBM,” including cross-border crime and terrorism, natural disasters, man-made crises, and “the fundamental rights situation.” The agreement includes specific provisions on respect for fundamental rights and non-discrimination, and allows inspections by Frontex’s Fundamental Rights Officer, whom EUCAP Sahel Niger “should support”.^[72]

It should be noted that the EU’s CSDP missions are excluded from the jurisdiction of the Court of Justice of the EU, and legal experts argue that judicial accountability for individuals who may be negatively affected by those missions is effectively impossible.^[73] Meanwhile, Frontex is currently the subject of an investigation by the European Ombudsman “focused on the lack of prior human rights risk and impact assessments (HRIA) in relation to its technical assistance engagement with non-EU countries.”^[74] Given the evident interest of EU institutions in stepping up cooperation between EUCAP Sahel Niger, Frontex and other EU-funded migration control activities in Niger and neighbouring countries,^[75] human rights assessments are the least that might be hoped for.

European police in Niger

EU activities are also being stepped up in other areas. In July 2022, the European Commission agreed a new “operational partnership” on migrant smuggling with Niger, announcing that the EU’s relationship with the country was “moving up a gear, from both an operational and a political point of view.” The high-level diplomatic and political engagement with the Nigerien authorities detailed in the preceding section of this report laid the groundwork for the agreement, which the Nigerien interior minister said would “better protect migrants, secure our borders and achieve our ultimate aim, which is to improve living conditions for migrants and their host communities.”^[76]

A response to the access to documents request we submitted to the European Commission seeking more information on the partnership is now long overdue. The only information available to the public on the new agreement, and the activities that will be launched under it, remains the European Commission’s press release. As well as introducing new “information and awareness-raising campaigns,” the deal seeks to build upon an existing Joint Investigation Team (JIT or *Equipe Conjointe d’Investigation*, ECI) that has been operating in the country since December 2016. It is funded by the EU but managed by the French

and Spanish authorities, and has been provided with €11.5 million from the EU Trust Fund for Africa, which was established after the Valetta Summit in 2015.^[77] JITs have also been established in Senegal, Ivory Coast, Guinea Conakry, the Gambia, Mali and Mauritania.^[78]

An EU “action fiche” on the JIT in Niger states that the introduction of a 2015 law (law No. 36 that introduced severe penalties, including fines and imprisonment, for involvement in smuggling or trafficking,^[79] and which was introduced under heavy pressure from the EU) was followed up with “concrete effects”, of which the establishment of the JIT “can be considered a very tangible sign.”^[80] The Spanish development agency describes the project as follows:

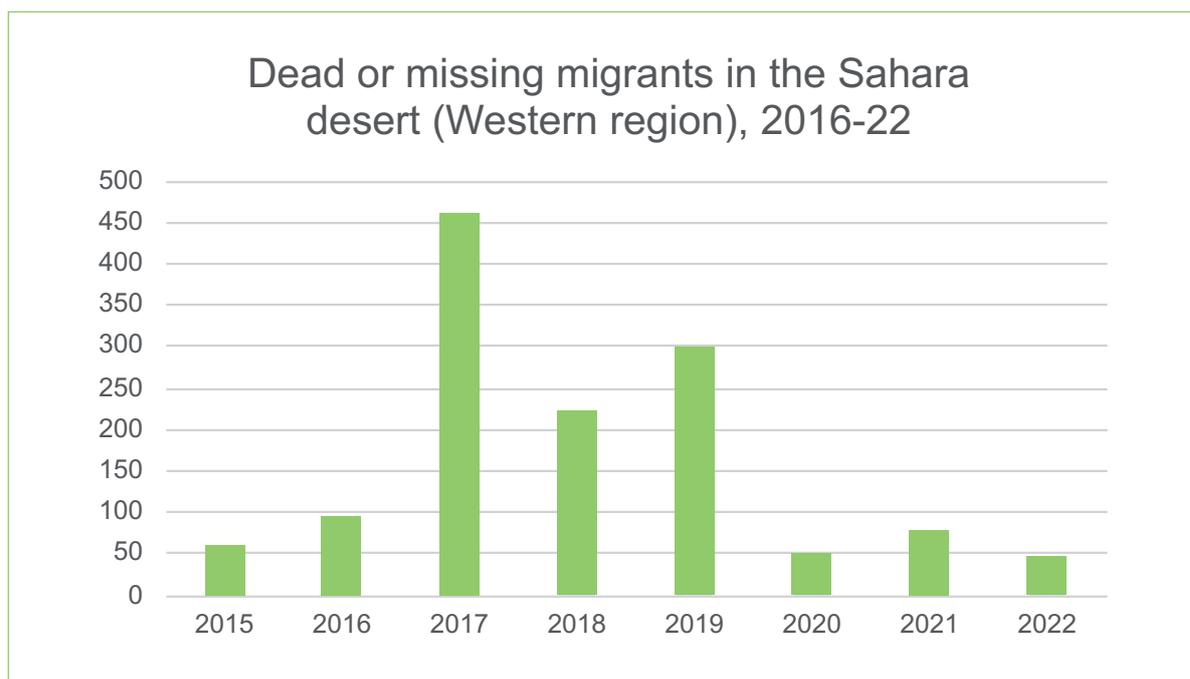
“...three Spanish police agents and three French police agents support 12 Nigerien colleagues to investigate and prosecute smuggling networks. Technologies such as wiretapping equipment and digital GPS maps, go together with expertise and supervision.”^[81]

A report in *Le Sahel* notes that this includes equipment for the “identification and biometric tracking of people linked to criminal networks of irregular immigration and human trafficking.”^[82]

In July 2022, the European Commission stated that since 2017, “over 700 criminals have been arrested and over 400 judicial proceedings have been launched.” Many of those arrests have likely been based on the 2015 law. Given that the legislation criminalises precisely the type of activities that the JIT is working on, it is hardly surprising that such a high number of arrests and trials have been initiated, although how many have led to successful prosecutions is unknown.

At the same time, the law rendered many people in Niger – where a substantial industry revolved around the transport and housing of migrants – jobless, whilst leading to the creation of more dangerous migration routes through the desert and a huge increase in the number of deaths and missing people.^[83] One response to this has been for the International Organization for Migration (IOM) to step up a rescue programme: as of February 2021, over 29,500 people had reportedly been rescued.^[84] These efforts would of course be entirely unnecessary if the 2015 law had not been introduced in the first place, and they should also be put in context: *Alarm Phone Sahara* reports that over 17,000 people have been deported from Algeria and left in the desert in Niger in the first nine months of 2022 alone.^[85,86]

Figure 1: Dead or missing migrants in the desert.



Source: IOM^[87]

The Italian NGO ASGI, lawyers and jurists from Niger and Nigeria, the *World Organization Against Torture*, the *Association Malienne des Expulsés* and *Alarm Phone Sahara* are seeking to have the law overturned in a challenge presented to the Court of Justice of the Economic Community of West African States (ECOWAS) earlier in 2022. The complaint argues that the law has “resulted in the multiplication of violations of freedom of movement in the ECOWAS area over the past six years and has exposed people in transit to violence, abuse and torture.”^[88] The case is pending.

Meanwhile, the EU-Niger “operational partnership” is getting into gear. The geographical scope of the JIT looks set to expand under the new agreement: a commissioner at the Spanish *Policía Nacional*, Fernando Ferrero, told the broadcaster *RTVE* that those who smuggle people are also involved in trafficking drugs and weapons, and that they provide assistance to terrorist groups in the region. For that reason, the JIT is seeking to cooperate with the authorities in Nigeria and Algeria “to try to dismantle criminal organizations.”^[89] While this is likely to lead to more arrests and prosecutions, it is also almost certain to lead to more dangerous journeys by people travelling through Niger to Libya, Algeria and Morocco, with the hope of reaching Europe.

There is no denying the deadly effects of the EU’s law enforcement interventions in the country. At the very least, a substantial increase in political scrutiny and accountability is required. The management of that cooperation through secretive diplomacy, high-level political meetings and administrative and technical measures such as EU funding programmes leaves few clear institutional avenues to exercise such scrutiny.

Extending the Deportation Union to the Balkans

The Western Balkans plays a key role as a buffer zone for the EU,^[90] and myriad new ways are being found to reinforce the region's role in preventing people from moving towards "core" EU territory. In February 2022, interior and migration ministers, along with a variety of EU and international officials, approved the establishment of a new "Regional Return Mechanism" which, if implemented according to ministers' demands, will see the EU, its Member States, and entities such as the International Organization for Migration (IOM) and the International Centre for Migration Policy Development (ICMPD) provide substantial new support to the Western Balkans states to increase deportations.

New tasks for the Joint Coordination Platform

As recounted by a report for the *Transform!* network on Austria's role in the externalization of EU migration policies to the Balkans,^[91] the plan to establish a Regional Return Mechanism has been public knowledge since at least September 2021, when Austria's then-interior minister Karl Nehammer announced it during a visit to Kosovo, Albania and Montenegro. The mechanism and associated activities will be managed through the Joint Coordination Platform in Vienna. This was established in 2020 through a ministerial declaration:

"In view of the pressure that is again building up we are called upon to join forces in order to tackle irregular migration and protect the EU's external borders... Irregular border crossings will not be tolerated..."

They entrust the experts of interested partners with quickly drawing up a concept and a working method for an 'Operational Platform – Eastern Mediterranean Route'."^[92]

This structure has been described as providing "a political and strategic steering platform for migration control" in south-eastern Europe.^[93] With regard to deportations, the ministerial declaration called for "best possible support" for "partners that have come under pressure along the Eastern Mediterranean Route."

In December 2021, Nehammer became Chancellor of Austria, and was replaced as interior minister by fellow member of Austrian People's Party (*Österreichische Volkspartei*, ÖVP), Gerhard Karner. In a January 2022 letter, Karner invited a host of ministers and officials to an event: "Ministerial Return Conference – Regional Return Mechanism, Return Partnerships". As the title clearly indicated, this would "focus on fostering returns from the Western Balkan region as an essential element of migration management." Karner said that since the Joint Coordination Platform became operational in early 2021, it had:

"...established contacts with EU and Schengen partners, the European Commission, EU agencies and a number of international organisations. It has also already provided assistance to its partners along the route, involving all elements specified in its mandate (placing a special emphasis on cooperation in the field of returns)."^[94]

The time had come, however, to further step up deportation cooperation, as “adequate support and attention are very relevant for all transit and destination countries facing migratory flows, and during all stages of the return process,” said the letter.

Joint statement, new commitments

The conference and its associated pleasantries were followed by the publication of a joint ministerial statement which, until now, has not been available to the public.^[95] It has still not been officially published by the EU or any other institution involved in the meeting. This lack of transparency is remarkable in and of itself, and in particular given that those present at the meeting – ministers from the 23 states, officials from two EU agencies, the European Commission and two international organisations (the IOM and ICMPD) – made some substantial commitments.^[96]

Firstly, they agreed “to intensify cooperation within the framework of the Joint Coordination Platform and existing EU frameworks with a view to ensuring the provision of demand-oriented and targeted support in the field of return, in particular from the Western Balkans towards third countries.”^[97] In short, they committed to providing aid to the Western Balkans states to carry out deportations to states further afield.

This work was to be supported through the establishment of a “Regional Return Mechanism that facilitates the rapid matching of needs and possible return assistance, promotes voluntary return and supports the implementation of non-voluntary return of migrants who are not in need of international protection or do not have the right to stay”. What form this ‘mechanism’ has taken remains unknown. However, ministers also called for it to provide “a common return toolbox to assist JCP [Joint Coordination Platform] partners in their work,” for it to develop “technical guidance and the development of a Standard Operational Return Procedure (SORP), based on relevant technical and legal international standards and fully respecting human rights,” and to support capacity-building, communication and the exchange of “best practices on returns with appropriate tailor-made measures.” This was to be set out in a ‘Return Action Plan’, which has – so far – not been made publicly available.^[98]

Furthermore, ministers agreed to “establish flexible Return Partnerships between Western Balkan partners, EU partners and/or Switzerland and/or on thematic areas of importance for returns, in order to facilitate the implementation of the Regional Return Mechanism activities,” and “to facilitate and support returns via scheduled and chartered flights.”^[99]

Finally, those present agreed “to ensure complementarity between the capacity building activities” provided by Frontex to Western Balkans states and “the bilateral and multilateral assistance provided by other partners,” and to ensure the establishment of “an effective and common EU system for returns and implement relevant measures with the same objectives and ambition.”^[100]

What precisely these commitments mean in practice remains unknown; the issue requires further research. However, the EU’s own plans to create a “common EU system for returns”

involve the lowering of legal standards and rights protections, the establishment of new and extended biometric databases for the monitoring and control of movement, and the expansion and strengthening of Frontex to coordinate and undertake deportation operations.^[101] With this in mind, attempts at “capacity-building,” establishing a “common return toolbox” and introducing standardised procedures may well pose risks to the rights to liberty, freedom from ill-treatment, and to an effective remedy – whilst reinforcing the internal security structures of states in the region.

€355 million for migration control

The EU’s Neighbourhood and Enlargement Commissioner, Olivér Várhelyi, published a press statement following the conference, in which he noted that the European Commission was ready to back up the plans with more than just words:

“...the Commission came with a package of proposals where we want to increase significantly our funding to our Western Balkan partners by as much as 60% to fight illegal migration. To put it in numbers, we are ready to deploy €355 million in the Western Balkans, with our Western Balkans partners to work and fight illegal migration”.

*“This would mean delivering additional equipment for border protection, strengthened engagement in anti-smuggling and in particular in investigation and prosecution of organised crime groups **and most importantly increased funding for returns**. At the same time our support in the area of migration and asylum will of course continue as we have seen before. Because we think it is time to work together on rebalancing.”^[102] [emphasis added]*

It is not clear which budgets this funding would be drawn from. However, this “substantially scaled-up support” for returns would ensure cooperation with Frontex, the IOM and the ICMPD, Várhelyi noted, in order to “boost the capacity of the region to increase the number of returns and fund assisted voluntary returns of migrants from the Western Balkans to their countries of origin.”^[103]

“And let me take the opportunity to remind you that the first returns have already been seen at the end of last year from Bosnia and Herzegovina,” Várhelyi added. “Something that we have not only supported, but consider it to be a crucial step for a more secure Western Balkans.”^[104] This rather crude statement underscores the mindset underpinning the ongoing support to step up ‘border management’ in the Western Balkans: those deemed with no right to stay are, effectively, some sort of security threat.

It is not clear which return operation was being referred to by Várhelyi – it would not be until 31 July, five months after the conference, that Bosnia would deport two Pakistani citizens on a flight to Islamabad under the terms of a bilateral readmission agreement that was ratified just a week earlier, after passing through Bosnia and Herzegovina’s complex political system. The agreement was described as a “positive step” by the European Commission.^[105] In fact, as the researcher Gorana Mlinarević told *Altreconomia*:

“...it was placed as a pre-requisite for the Balkan country to enter the EU: the signing of agreements with third countries to facilitate the expulsion of migrants is a fundamental

step... Also because for several nationalities, such as Pakistan, this is the only way for the EU to repatriate people. And Brussels knows this well."^[106]

Saša Kecman of the Bosnian security ministry, meanwhile, described the deportation of the two men as "symbolic,"^[107] while the interior ministry said in response to a freedom of information request that the operation was "a significant step forward [...] with BiH [Bosnia and Herzegovina] becoming the first country in the region to carry out the forced removal of Pakistani citizens accompanied by an escort to their home country."^[108]

Curiously, despite Austria's key role in galvanising cooperation and collaboration between states in the Western Balkans, the country's interior ministry told *Statewatch* earlier in 2022 that it had "not provided funding for other return and readmission actions" since February 2022, the same month that the returns conference took place. Previously, Austria had "only provided personnel support for a return counselling program with around 20 return counsellors," said a spokesperson.

Austrian officials were quick to offer their congratulations to Bosnian officials for "success achieved in the past weeks in the field of forced return of illegal migrants to Pakistan,"^[109] but the operation was paid for by the Bosnian authorities themselves, at a price of 19,000 Bosnian marks (around €9,700), according to a response to a freedom of information request to the Bosnian interior ministry.^[110] The €355 million promised by the European Commission is likely to be very welcome, given that the Bosnian authorities are severely short of cash to carry out deportation operations.^[111] However, the funds may be channelled through entities such as the IOM rather than granted directly to the Bosnian state,^[112] a procedure which further limits the possibilities for democratic scrutiny and inquiry – the IOM, as an international organization, is not subject to any freedom of information or access to documents rules.

Return interventions

The European Commission's original proposal for what became the 2019 Frontex Regulation included provisions that would have allowed the agency to undertake "return interventions" in third countries. This would have allowed Frontex to deploy "return teams for the purpose of providing technical and operational assistance to return activities of the third country." The provisions were removed at the behest of the European Parliament.^[113]

While direct "return interventions" by Frontex are not currently on the cards, there appears to be substantial backing from European states to ramp up the deportation capabilities of their partners in the Western Balkans. The European Commission said, in October 2021, that one of the "lines to take" for EU officials dealing with Bosnia should be that the EU "encourages Bosnia and Herzegovina to continue its efforts to conclude readmission agreements with countries of origin," including through meetings and the exchange of "best practices" with EU Member States.

However, the Balkan state has so far had little luck with concluding any other agreements: in February 2022, the Egyptian minister for European affairs "unequivocally stated that

there is no interest from the Egyptian side” for a readmission agreement with Bosnia; a proposed agreement with Morocco, organised through the Bosnian embassy in Madrid, has had “no response from the Moroccan side,” despite apparent agreement on a draft text; a proposed agreement with Afghanistan has fallen through after the previous government fell to the Taliban; and there appears to have been little progress on a proposed agreement with Bangladesh.^[114]

Whether the new Regional Return Mechanism and the proposed Return Partnerships will change this situation and produce an increase in deportations from Bosnia and other Balkan states remains to be seen. What is clear is that there is no lack of interest from the EU and its Member States in trying to strengthen its south-eastern buffer zone,^[115] although the details of how that work is proceeding remain, for the moment, unknown to the public.

Influence operations in Morocco

Since 2016, the European Commission has awarded almost €14 million from the Asylum, Migration and Integration Fund (AMIF) to projects geared towards “awareness raising and information campaigns on the risks of irregular migration in selected third-countries.” Essentially, such projects seek to limit irregular migration not through putting up fences, launching border surveillance patrols or other such hard measures, but rather by changing people’s minds about making irregular journeys to the EU.

There appears to be little evidence that they are effective. An evaluation carried out in 2021 on “best practices in irregular migration awareness campaigns,” examined 20 projects. It concluded that half of those “did not set effective objectives,” making success “elusive and/or unverifiable.” There were few campaigns that “demonstrated evidence of sustainability” beyond the time when they were active. Social and mass media were ineffective for changing behaviour (the most effective method is word-of-mouth), and “migrants’ trust in a campaign decreased if the campaign was branded in connection with a European government.”^[116]

Undeterred, the European Commission has now proposed a fresh round of funding for these influence operations, making a total of €8 million available to be spread across a maximum of 15 projects. The main target countries are those that have been singled out by the Council of the EU as priorities for EU ‘migration management’ interventions: Afghanistan, Bosnia and Herzegovina, Iraq, Libya, Morocco, Niger, Nigeria and Tunisia.^[117]

As part of the research for this project, we requested information on previous and current EU-funded ‘information campaigns’ in Morocco.^[118] In response, we received some documentation covering two projects: Shababuna and Safe Journey. The information released provides a useful insight into how these projects work, their intended aims and the changes they are propelling in the way EU states (at national, regional and local level) seek to prevent unwanted migration.

In spring 2021, the Shababuna project launched, backed with €645,000 from the AMIF. Led by the regional government of Catalonia (the *Generalitat*), the project brings together the Catalan development agency and development fund, the authorities of the county of Skåne in Sweden, the Italian NGO Tamat, the University of Girona and the Autonomous University of Barcelona. The aim of the project is to counter “disinformation on irregular migration amongst the youth in Morocco,” specifically in the country’s *Oriental* region.

The project grant agreement argues that young Moroccans’ views of Catalonia are often distorted by “other youngster [sic] via social media,” or by members of the diaspora. It states that “studies on migration have pointed out that the current perception of Moroccan youth about irregular migration is biased and that the risks of migration are often ignored as it would give the impression of failure”. This is “something quite unacceptable in rural Moroccan culture and traditions.” Moreover, the Moroccan government’s development plans do not engage young people and unemployment remains high.^[119]

With this in mind, the project aims to target 1,500 people between the ages of 14 and 25 in the *Oriental* region and to inform them on the risks of irregular migration, options for legal migration and “existing opportunities in their region as an alternative to migration.” Ultimately, it seeks to make the target group aware of “the alternative opportunities in their countries of origin while changing their mind-set and overoptimistic view about Europe and, overall and foremost, their behaviours towards migration.” The agreement document emphasises that while Spain has received some €737 million for border and migration management from the EU since 2015, none of that has gone to “projects on awareness raising and information campaigns in third countries.”

A second project, Safe Journey, has a far more ambitious aim: to target 50,000 unemployed men and women, “among them a minimum of 8,000 sub-Saharan migrants,” as well as 300,000 students. It hopes to do this by providing prospective migrants, “as well as local media, with realistic and super-parts [presumably, *super partes* in Latin, i.e. objective] information on the dangers of irregular voyages, and on the social and economic realities of life in Europe.” The intention is to counter irregular migration by “raising awareness within local communities and by increasing the capacity of the target groups to properly design a ‘personal life project’.”^[120]

Ironically, the grant agreement for Safe Journey points to the real root of the problem: “The introduction of Schengen visas led to the start of irregular migration, and of migrants [sic] reliance on smugglers.” With this fact unlikely to change, the hard measures designed to stop or discourage irregular migration – border surveillance, fences, patrols and raids against camps set up by irregular migrants, and ceaseless attempts to increase deportations – are now accompanied by soft measures represented by projects such as these. However, the line between these two types of activity is not particularly solid. The European Commission’s evaluation of previous information campaigns noted:

“Key informant interviews... suggested that irregular migration awareness-raising campaigns are a migration management tool that could not realistically yield results without ongoing funding. Instead, they suggested that such campaigns should be understood as an ongoing cost of migration management... similar to other migration management controls

such as law enforcement and passport controls, rather than as traditional aid and development projects."^[121]

They could also be described as "hearts and minds" campaigns. The Safe Journey grant agreement notes that the project should "set a new vision of irregular migration and migrant's life conditions in the EU and root a positive perception of life in the home country."

It is noteworthy that while these projects are ostensibly designed to benefit people who may wish to undertake dangerous journeys, the grant agreements make clear that the real intended beneficiaries are the EU and its Member States. Irregular migrants are represented as a problem for Europe – as the Safe Journey agreement puts it, "tackling the migration issue in Morocco, and involving the diaspora communities, will benefit the whole EU and in particular the most common destination countries."

Likewise, the Shababuna grant agreement states:

"It is expected that the project will trigger a behavioural change on Moroccan youth at-risk of migrating irregularly towards Spain/Europe and contribute to a direct reduction of the migration flow from Morocco towards Spain/Europe. Such impact will benefit not only Spain but a number of European countries."^[122]

The emphasises that the project could help to:

"...mitigate the current crisis of solidarity among EU member states, where Northern and Western EU states are mostly concerned about secondary movements of migrants having entered the EU irregularly via the Southern gates... and who re-emigrate to look for better opportunities within the EU."^[123]

There is no doubt that irregular journeys to the EU are dangerous. It is also evident that life for many undocumented migrants in the EU is extremely difficult, at the root of which lies the fact that it is extremely hard for people to regularise their status. It may also be the case that, as the Shababuna project agreement states, the information available to people in Morocco who may wish to emigrate is biased, incomplete or inaccurate. Nevertheless, making this clear to people will do nothing to alleviate the structural factors that lead so many people to wish to emigrate in the first place.

The Shababuna project argues:

"Awareness raising on the risks of irregular migration will be only effective in changing behaviours if this is combined with the provision of information about the socio-economic alternatives to irregular migration such as legal pathways for migration and existing local socio-economic opportunities."

Those legal pathways, of course, tend to be in rather short supply. In December 2020, the EU's Commissioner for Migration and Home Affairs, Ylva Johansson, visited Rabat. While there, she was informed about a Belgian project set up to encourage labour migration from Morocco into the Belgian ICT sector. Of the 9,677 Moroccan citizens who applied for jobs, 120 were selected – 0.012% of all applicants.

One of the aims of the European Commission's funding for information campaigns is to draw different components of states and civil society into the migration control sphere – or, in the European Commission's words, "to strengthen multi-stakeholder cooperation between actors such as civil society organisations, researchers, media outlets, local state actors, diaspora and relevant other stakeholders." The Shababuna grant agreement describes how, at least for that project, this is envisaged. "Since this project contributes substantially towards improving cooperation of decentralized actors in the field of migration," such as local and regional government bodies, the document says, "this should result in the establishment of new relations of EU decentralized cooperation with Africa in a field where this type of cooperation is still rather incipient."

EU agencies seek a foothold in Morocco

Morocco has been a priority state for the EU's externalisation agenda since the 1990s, when the extension of the Schengen border to Spain led to an increase in the use of people smuggling services. The Spanish authorities have thus long been prominent in the process, but the EU is taking on an increasing role as interlocutor, funder and operational partner of the Moroccan authorities, in particular with plans to extend cooperation with Europol and Frontex. Indeed, the European Commission announced a "renewed partnership on migration and tackling human smuggling networks" in July, and Frontex's interim executive director, Aija Kalnaja, has called the country a "reliable and credible partner to meet common challenges."

The glowing compliments received from EU officials came in the wake of what may be a new nadir regarding Moroccan-European cooperation on border control. On 24 June, at least two dozen people died after being attacked by Spanish and Moroccan border police as they attempted to cross the heavily-fortified border into the Spanish enclave of Melilla. Several dozens more people have been imprisoned for attempting to cross the border.

This was far from the first such incident; and these efforts to keep people out of Spanish territory using brute force have also been accompanied by subtler measures. For example, in the central Mediterranean, Italy and Malta have sought to ensure that Libyan and Tunisian coast guards enact rescues and engage in 'pullbacks',^[124] most notoriously to abusive conditions in Libya. Further west, efforts to transfer responsibility from the Spanish to the Moroccan coast guard have increasingly shifted the nature of search and rescue activities into migration control, with the Spanish *Salvamento Marítimo* (sea rescue service) being "hobbled".^[125]

Plans to further increase and intensify cooperation with the country are ongoing. A draft EU action plan drawn up in October 2021^[126] to "operationalise" the Pact, updated in February 2022,^[127] envisages a wide array of actions with the country that would further incorporate its police and border forces into the EU's security model. Two weeks after the deaths in Melilla, the European Commission and Morocco announced a "renewed partnership on migration and tackling human smuggling networks," blaming the deaths on "very dangerous and violent human smuggling networks," and thus necessitating increased cooperation.^[128]

No meaningful details have been published on what precisely the partnership will involve, although the EU's action plan gives an indication of what the European side is seeking.^[129] Documents released in response to requests filed as part of this investigation show that the EU's cooperation with Morocco on migration control seeks to build on existing frameworks and envisages a prominent role for EU agencies, namely Frontex and Europol. Some form of "structured cooperation" with the EU Agency for Asylum (EUAA) is also planned, to "provide capacity building support to strengthen the Moroccan asylum system."^[130]

Cooperation between the EU and Morocco is evidently multi-faceted: an access to documents request submitted to DG HOME was divided between DG HOME itself, the European External Action Service and DG NEAR. However, as with many of the requests made for this investigation, EU institutions denied access to a substantial number of documents, while the Moroccan foreign affairs ministry did not provide any response to a freedom of information request. As noted in a previous section of this report (*High-level diplomacy for migration control*), the EU's refusals were underpinned by the justification of protecting international relations, as well as the need to protect public security, privacy (i.e. through redacting the names of participants at meetings), commercial interests (including intellectual property) and protection of the decision-making process.^[131]

Cooperation with Frontex: a "special relation"

Increased efforts to halt irregular migration by sea along the central and eastern Mediterranean routes have led to a subsequent increase in journeys – and deaths – along the western Mediterranean and Atlantic routes. Frontex, which has long had a presence on both those routes,^[132] has thus sought to extend its cooperation with the North African state. At least as far back as 2013, the agency was arguing for "closer cooperation with third countries of departure in Africa, in particular with Morocco."^[133] In recent years, cooperation seems to have become more formal. In June 2019, Fabrice Leggeri, the former executive director of Frontex, visited Morocco and agreed with his foreign counterpart to establish a 'Frontex-Morocco Mixed Committee', which aims to:

"...bring together senior managers and staff of Frontex and Morocco in order to share knowledge and discuss technical matters of relevance to border management with a view to foster a trusted and transparent partnership."^[134]

On the Moroccan side, the interior ministry's Directorate of Migration and Border Surveillance participates alongside representatives from the border police, gendarmerie and navy.^[135] The first meeting took place on 31 October 2019 at the Frontex headquarters in Warsaw. A heavily redacted meeting report offers little meaningful insight into the discussions, although the agenda covered risk analysis, situation monitoring and aerial surveillance, "quality control/audit and vulnerability assessment", and communication with the public. The report also notes that "a roadmap of activities was agreed,"^[136] with the intention of implementing those activities over the course of the following year through the 'EU4BorderSecurity' project.^[137]

The precise nature of most of those activities remains unknown, due to the redactions applied to the documents, but some information has been released. With regard to risk analysis, Frontex representatives highlighted that the agency's work with partners is aimed at "creating synergies and sharing methodology and risk indicators". Risk analysis is one of Frontex's core activities – indeed, the agency describes it as "the starting point for all Frontex activities, from high level strategic decision-making to planning and implementation of operational activities."^[138] Thus, the risks that are identified and the way in which they are analysed are of vital importance.

An analysis of Frontex's risk analysis activity by Saskia Stachowitsch and Julia Sachseder argues that it is a "form of sense-making" with "wide-ranging consequences for border politics and practices," given the way in which it seeks to shape and influence the response to people's movement. This is an issue of concern, Stachowitsch and Sachseder argue, given that risk analysis reports predominantly cast migrants and migration as "a security risk" seeking to exploit European welfare systems, as well as needing humanitarian assistance – albeit in a way that allows "Western authorities to present themselves as saviors [sic] of racialized women and children."^[139] Elsewhere, the process has been described as implying "a constant state of alert and emergency [used to justify] policies seen as exceptional from a political perspective."^[140] Exporting this methodology to Morocco – along with states elsewhere in Africa, via the Africa-Frontex Intelligence Community^[141] – warrants critical scrutiny that is unlikely to be forthcoming from EU bodies themselves.

The first meeting of the Mixed Committee also discussed "Situation Monitoring and Aerial Surveillance", "Quality Control/Audit and Vulnerability Assessment" and "Communication with the Public". With regard to surveillance, one sentence was made publicly available:

"Due to legal challenges, for the time being, cooperation on surveillance and information exchange will be limited to technical knowledge sharing. Both parties are in the process of developing synergies and building confidence. Information exchange may be discussed at an appropriate time in the future."^[142]

Likewise, only generic information on the issue of "quality control" was released. On communication, the document notes that one Frontex official "particularly shared the agency's approach in conveying messages from personnel in joint operations to share their stories and explain their work to the public." Frontex has either provided, or shared training information with, the Moroccan authorities on public relations. A document released by the agency in response to an access to documents request, a presentation produced by communications consultancy company *AudienceOne*, deals with "media relations, communication with the public and crisis communication".^[143]

The next meeting of the Mixed Committee was held virtually in October 2020. The meeting report notes that due to disruption caused by the COVID-19 pandemic, "several activities from the 2020 roadmap were not implemented," but "both sides expressed their commitment to the full implementation of these activities." A Frontex official "applauded the bilateral relationship with Morocco and coined it as a model for regional cooperation," but quite what that cooperation entails remains hidden from public view in the meeting report,

which is heavily redacted.^[144] A European Commission report on the meeting states that: “Frontex underlined the special relation with Morocco (an example of a successful cooperation for the other partner countries).”^[145]

The first part of the meeting again dealt with risk analysis. This was followed by “Operational Response (Coast Guard; Cross Border Crime; Assisted Voluntary Return and Reintegration of Migrants),” with Frontex offering “support to Morocco on coast guard functions [...] by sharing best practices on Multipurpose Maritime Operations,” along with the European Maritime Safety Agency and European Fisheries Control Agency. During a discussion on “Maritime Surveillance and Technologies at Borders,” Frontex apparently committed to “engage Morocco as a privileged partner in all possible related activities developed jointly with Member States and other international partners.”^[146]

A separate report produced for the European Commission refers to two workshops held with Moroccan authorities: one on risk analysis, held in February 2020; and one on “border vulnerability assessment,” held virtually in June of that year.^[147] Information released by the European Commission in response to a parliamentary question shows that these were far from the first joint activities between Frontex and Morocco – the country’s authorities attended two coast guard workshops organised by Frontex with host Member States: in Chios, Greece, on Search and Rescue (June 2019); and a “cooperative boarding exercise, including a medical evacuation,” in Valletta, Malta (January 2020). A virtual technical meeting on coast guard functions (focused on Search and Rescue) was held on 16 December 2020 to coordinate the exchange of observers during coast guard exercises.^[148]

The third meeting of the Mixed Committee did not take place until October 2022, when it was held “on the margins” of the International Border Police Conference in Warsaw. Frontex’s interim executive director, Aija Kalnaja, emphasised the strategic role that Morocco plays for the agency, describing the country as “the gateway into the African continent.”^[149] For that reason, the EU is pushing hard for the signing of a working arrangement with Frontex, with a view to subsequently promoting “the benefits of a status agreement with the EU.”^[150] A status agreement would allow the deployment of the Frontex standing corps on Moroccan territory, for example to undertake border surveillance and border control tasks.

As part of this investigation, we requested “agendas, minutes, presentations and correspondence relating to the preparation of a working arrangement with Morocco,” only to be informed that “Frontex does not hold any documents.” The agency did possess a draft of the working arrangement, but could not release it due to the need to protect “negotiating tactics” and internal decision-making processes, and ensure “mutual trust” with a priority third country that could be undermined through “unilateral disclosure” of the document.

After we filed a confirmatory application, it transpired that Frontex was in fact in possession of the agenda of a visit of the Moroccan interior ministry to Frontex headquarters in Warsaw in summer 2022. Frontex participants were drawn from the International and European Cooperation Division, the European Centre for Returns and the Law Enforcement and the Coast Guard Unit. The visit included briefings on “International Cooperation Strategy & Latest Developments of EU4BS [EU4BorderSecurity] Project” and “FLO

[Frontex Liaison Officers] and deployment process.” The title of a presentation given by the Moroccan delegation may provide a clue as to their understanding of the EU’s priorities: “Moroccan national return and reintegration program for foreign migrants to their countries of origin”.^[151]

Cooperation with Europol: “a win-win approach”

Cooperation between Europol and Morocco has also intensified in recent years, with the issues of migration and border security high on the agenda. Following an EU-Morocco dialogue on Migration and Security in July 2019, the EU sought to step up joint activities by inviting the Moroccan authorities to visit Europol’s headquarters in The Hague. The result was a virtual meeting in June 2020, with an official from the EU side opening the talks by highlighting “strong mutual engagement, important efforts by Morocco in controlling the flows of irregular migrants [and] strong financial support by the EU.”^[152]

It is evident from the meeting report that the EU side was there to put pressure on the Moroccan authorities to cooperate more closely, and there were compliments from both sides. Morocco’s director of border surveillance migration in the interior ministry recalled:

“...the excellent cooperation developed with Frontex (high level meetings, roadmap for deepening technical cooperation, workshops already organised) and the need to start discussions in view of developing a similar cooperation with Europol, in a win-win approach.”

This “excellent cooperation” came after “some misunderstandings in the past,” in the words of a senior official in the Moroccan foreign affairs ministry, but “the page is turned and relations have restarted in a new dynamics [sic].” He pointed to a June 2020 joint “brainstorming exercise” and to the 2019 EU-Morocco Association Council joint declaration, which called for “enhanced cooperation on security,” as well as “specific operational actions” on “mobility and migration”.^[153]

Morocco’s director of border surveillance argued that “most types of criminal activities and possible security threats (irregular migration but also good smuggling, drugs, and illicit arms) have a border-crossing dimension,” and he promised to facilitate direct contacts between Europol and “relevant police authorities in Morocco in view of launching a technical cooperation.” The EU side, meanwhile, was pushing for an international agreement to frame cooperation between Europol and the Moroccan authorities. The value of Europol’s Secure Information Exchange Network Application (SIENA, a communication and information-sharing channel) and the Europol Information System were highlighted, as was existing cooperation with other EU agencies. The Moroccan authorities preferred to take things more slowly, with the director quoted as saying “*il ne faut pas presser les choses*” (there’s no need to rush things).^[154]

In any case, the need for an international agreement to underpin intensified cooperation between Europol and Morocco is less relevant than it was previously. While such an agreement can still be signed and would provide a long-term formal basis for cooperation, changes introduced to the policing agency’s mandate in June 2022 make some forms of

cooperation far simpler than in the past. Europol's management board can now authorise transfers of personal data to third states and international organisations if "appropriate safeguards with regard to the protection of personal data are provided for in a legally binding instrument," or where there is no law in place but where Europol concludes "that appropriate safeguards exist with regard to the protection of personal data."^[155]

This change was introduced to try to sidestep the "long and complex negotiations" required for international agreements,^[156] with Morocco one of a number of priority states in North Africa and the Middle East that had been reluctant to sign a formal working arrangement.^[157] Europol's interest in the country is clearly significant: in response to an access to documents request, it identified 27 documents dating from 1 January 2020 on cooperation with Morocco, but only agreed to make two of them public. The other 25 were withheld in the name of protecting public security, international relations, Europol's decision-making process and its need to fulfil its tasks. The agency argued that:

"The documents contain information related to presentations and discussions held with representatives of the Moroccan authorities on the possibilities, strategic and operational benefits and modalities for the establishment of cooperative relations between Europol and the law enforcement authorities of The Kingdom of Morocco. The disclosure of such sensitive information would undermine Europol's present and future partners' trust..."

This of course raises the question of what degree of trust EU citizens should extend towards the authorities that act in their name. It is, for example, noteworthy that none of the documents released concerning cooperation between Morocco, Frontex and Europol mention human rights. Without increased transparency to allow meaningful scrutiny of the actions and activities of institutions and agencies seeking to step up potentially harmful cooperation with non-EU states, there is little else but PR available to the public.

Annex I: Overview of requests and responses

All the documents obtained as part of this investigation will be published at:
statewatch.org/secretcyandexternalisation

Bosnia and Herzegovina

Location	Institution	Subject	Response
EU	European Commission	Information campaigns; financial and technical assistance and training regarding border surveillance; the Joint Coordination Platform; returns from Bosnia to Pakistan; memorandum on strengthening cooperation against illegal migration; alignment of Bosnian visa policy with EU visa policy.	Delayed
EU	European Commission	Ministerial Return Conference in Vienna.	Three documents identified and released, one partially-redacted.
EU	Council of the EU	Ministerial meetings between EU and Western Balkans states; Berlin Process; Salzburg Forum; Ministerial Return Conference in Vienna.	Six documents identified and released concerning EU-Western Balkans ministerial meetings, no documents relating to other parts of the request held.
Bosnia and Herzegovina	Ministry of Security	Relocation of migrants to Lipa camp; cooperation with the Joint Operational Office in Vienna; deportations to Pakistan; cooperation between Europol and the Bosnian authorities concerning migrant smuggling; memorandum on strengthening cooperation against illegal migration.	Some information released, some denied on grounds of public security.

Morocco

Location	Institution	Subject	Response
EU	European Commission	Documents concerning the EU-Morocco operational partnership on migrant smuggling.	Delayed
EU	Europol	Meetings held with Moroccan authorities since January 2020; internal documentation or correspondence concerning cooperation with Morocco.	27 documents identified, two released.
EU	Frontex	Preparation of a working arrangement with Morocco; training provided to the Moroccan authorities.	Two documents identified, one released.
EU	European Commission	Meetings concerning readmission and visa facilitation agreements; financial and technical resources provided to the Moroccan interior ministry for migration management; EU information campaign projects in Morocco; high-level visits by EU officials to Morocco and meetings between EU and Moroccan officials.	12 documents identified, 11 released but heavily-redacted.
EU	European External Action Service	Meeting of the EU-Morocco Social Affairs and Migration Subcommittee, May 2019.	One document identified, withheld.
Morocco	Ministry of foreign affairs	Meetings and discussions with Frontex, Europol and the EU Agency for Asylum; meetings with the EU regarding visa facilitation and readmission agreements; training provided by Frontex.	No response

Niger

Location	Institution	Subject	Response
EU	European Commission	Support for law enforcement and judicial authorities in Niger; funding for information campaigns and journalism on migration in Niger; Rapid Economic Action Plan in Agadez (PAIERA) or the programme for the stabilisation and socio-economic strengthening of populations affected by irregular migration and transit zones in Niger; financial and technical assistance, and capacity building support for Niger's Migration Action Plan 2020-35; voluntary returns; search and rescue in the desert; Emergency Transit Mechanism from Libya to Niger.	Delayed
EU	European Commission	Documents concerning high-level diplomatic visits of EU officials to Niger.	Several heavily-redacted documents released.
EU	European Commission	Documents concerning the EU-Niger operational partnership on migrant smuggling.	Delayed
EU	European External Action Service	Memorandum of understanding between Frontex and EUCAP Sahel Niger; cooperation between EUCAP Sahel Niger and EUBAM Libya; Civilian Operations Commander's visit to EUCAP Sahel Niger in September 2021.	Release of EUCAP Sahel Niger and Frontex MoU (already public, no related documents released); release of one document on Civilian Operations Commander's visit to EUCAP Sahel Niger.
Niger	High Authority for Peacebuilding	Measures taken under the Rapid Economic Action Plan in Agadez (PAIERA) or the programme for the stabilisation and socio-economic strengthening of populations affected by irregular migration and transit zones in Niger.	Three documents released, minutes of meetings in 2017.
Niger	Ministry of the Interior – Directorate General of the National Police (DGPN)	Work of the Joint Investigation Team Niger and enforcement of the 2015 law on migrant smuggling.	No response
Niger	Ministry of the Interior – Directorate of Territorial Surveillance (DST)	Work of the Joint Investigation Team Niger and enforcement of the 2015 law on migrant smuggling.	No response
Niger	Ministry of Foreign Affairs	Work of the Joint Investigation Team Niger and enforcement of the 2015 law on migrant smuggling.	No response
Niger	Niger Police Academy	Training provided by EU bodies.	No response
Niger	Directorate General of Civil Status, Migration and Refugees	Evacuation of persons from Libya to Niger under the Emergency Transit Mechanism.	No response
Niger	Secretariat of the Concertation Framework on Migration (SP/CCM)	Financial, technical and capacity-building assistance for Niger's Migration Action Plan 2020-35.	No response

Annex II: Attendees at the Ministerial Return Conference, February 2022

Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Presidency of the Council of the EU (France), Croatia, Czech Republic, Denmark, EU Agency for Asylum, European Commission, Frontex, Germany, Greece, Hungary, International Centre for Migration Policy Development, International Organization for Migration, Kosovo, Lithuania, Montenegro, Netherlands, North Macedonia, Poland, Romania, Serbia, Slovakia, Slovenia, Switzerland.

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