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- **The Future of the
EU Trust Fund
for Africa**

Policy Briefing

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September 2019

Policy Briefing

The Future of the EU Trust Fund for Africa

OVERVIEW

Agreed at the 2015 Valletta summit, the EU Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa) works across three regional areas, the Sahel and Lake Chad, North Africa and the Horn of Africa.

The Fund uses instruments of external policy for internal purposes: the provision of aid and cooperation agreements to deter and manage migration to Europe.

Resources currently allocated to the EU Trust Fund for Africa as of July 2019 amount to EUR 4.6 billion including more than EUR 4.0 billion from the European Development Fund (EDF), the EU's main instrument for development aid, the Development Cooperation Instrument (DCI), and the European Neighbourhood Instrument (ENI), funding from the Directorate General (DG) for Migration and Home Affairs and DG European Civil Protection and Humanitarian Aid Operations (ECHO). EU Member States and Norway and Switzerland have so far contributed EUR 526 million.

As of 26 July 2019, 209 programmes have been approved. The EUTF aims to achieve this through projects focused on 4 agreed objectives: (i) contributing to better migration management; (ii) improving governance and preventing conflicts; (iii) providing economic and employment opportunities; and (iv) enhancing resilience, addressing the needs of refugees and the most vulnerable.

The EUTF is governed and managed by the Trust Fund Strategic Board chaired by the Commission (DG International Cooperation and Development) and assisted by the European External Action Service (EEAS) and other Commission services. The Strategic Board includes representatives of the Commission, representatives of EU Member States (and Norway and Switzerland) as full members. Representatives of African partner countries are only granted observer status; the European Parliament was granted observer status in 2017.

Each regional window is managed by Operational Committees responsible for examining and approving actions. It is composed of representatives of the Commission, the EEAS, representatives of the EU Member States and non-EU Member States, as well as representatives of African partner countries and regional organisations.

At its 4th Meeting in April 2018, the Strategic Board agreed to focus on six priority areas in the Horn of Africa and the Sahel/Lake Chad:

- Return and reintegration
- Refugees management (Comprehensive Refugee Response Framework)

- Completing progress on the securitization of documents and civil registry
- Anti-trafficking measures
- Essential stabilization efforts in the Horn of Africa and the Sahel
- Migration dialogues

In the North of Africa region, the Strategic Board agreed to focus on:

- Protection of vulnerable migrants, assisted voluntary return and sustainable reintegration and community stabilization
- Support to integrated border management
- Support to labour migration and mobility
- Support to improved migration governance

The discussion on the new Multiannual Financial Framework (MFF), which will determine the EU budget spending from 2021 to 2027, is coming to its final stage and significant innovation in the external funding system have been proposed.

There has been no decision made about the future of the Fund pending the outcome of the MFF negotiations. At present, the end date of the Fund remains 31 December 2020.

EU TRUST FUND FOR AFRICA AND PRIVACY

The Fund presents significant challenges and opportunities for advancing privacy and other human rights across the beneficiary countries.

According to research by Oxfam¹, 22% of the budget for the first two years of the over EU Emergency Trust Fund for Africa (of which 80% of its budget comes from development and humanitarian aid funds) was allocated to projects in the field of migration management. Another 13.5% goes to peace-building and security, with the largest part (between €121 million and €161 million, or 7% of the total budget) used to fund security forces in third countries, which are implemented by private and public companies.²

As the core aims include managing migration, establishing civil registration, and counter illegal trafficking, a number of projects present urgent threats to privacy, for example:

- EUR 30 million has been allocated to fund³ Cote d'Ivoire's new universal biometric identity system with the explicit aim of doing so in order to identify Ivorians irregularly residing in Europe in order "to organize their return more easily".
- A EUR 28 million programme aims to develop⁴ a universal nationwide biometric ID system in Senegal by funding a central biometric identity

¹ https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/file_attachments/oxfam_position_on_the_mff_-_working_doc.pdf

² <https://privacyinternational.org/advocacy-briefing/2548/eus-next-budget-huge-threat-privacy-heres-what-must-be-done>

³ <https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-sah-ci-01.pdf>

⁴ <https://eutf.akvoapp.org/en/project/5620/#report>

database, the enrolment of citizens, and the interior ministry in charge of the system.

- EUR 40 million was allocated⁵ in 2016 to countries in the Horn of Africa to strengthen the capacity of law enforcement officers by providing training, technical assistance and equipment. Specifically, the fund aims to assist in the establishment of specialised police units, increase capacity to conduct investigations, and enhance intelligence sharing between authorities.
- EUR 55 million was allocated⁶ to Tunisia's and Morocco's Interior ministries for the 'purchase and maintenance of priority equipment, capacity building and development of necessary standards and procedures at national level'. The programme includes the provision of and training in 'state of the art technology', as well the establishment of screening system to allow border agencies to collecting data at border crossing points, outposts and coastal stations to be further analysed at the central level, and conduct risk analyses for travellers. In Morocco, the programme will develop an IT infrastructure collecting, archiving and identifying digital biometrics, increase aerial surveillance capabilities by providing equipment, and provide vehicles, surveillance, and communication equipment for different field units.
- EUR 15 million allocated⁷ to law enforcement agencies in Algeria, Egypt, Libya and Tunisia to build identification and investigation capacities. Activities include establishing a group of 'cyber specialists' 'criminal analysts', and 'forensic specialists' capable of conducting online investigations and collecting evidence from digital devices, training them, and providing them with 'light equipment'.
- EUR 5 million from the trust Fund was awarded⁸ to Interpol for the development of a police database across Burkina Faso, Benin, Côte D'ivoire, Ghana, Mali, Mauritania, Niger, and Chad to enable them to 'collect, centralize, manage and share police data', and to train officers in the use of the system.

RECOMMENDATIONS

The Fund was established amid widespread reporting of the "refugee crisis" in 2015 as an emergency tool. The European Court of Auditors has found⁹ that while it is a flexible tool for providing assistance, its objectives are too broad and the Commission has failed to appropriately measure the extent to which it has met its objectives. The significant privacy and data protection concerns present a major threat to people's human rights, security, and to democratisation in third countries.

Privacy International recommends that:

- All such projects fully respect the Charter of Fundamental Rights of the European Union and the international obligations of the Union and the

⁵ https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/rider_t05-eutf-hoa-reg-09_-_better_migration_management.pdf

⁶ <https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-reg-07.pdf>

⁷ <https://rsr.akvo.org/en/project/6666/#report>

⁸ <https://eutf.akvoapp.org/en/project/5372/#report>

⁹ <https://www.eca.europa.eu/en/Pages/NewsItem.aspx?nid=11356>

Member States regarding the right to privacy. As such, institutions should conduct an impact assessment and consult with relevant the Fundamental Rights Agency, the European Data Protection Supervisor, and civil society organisations prior to any approval of programmes which impact people's privacy

- Ensure a data protection impact assessment is carried out by the Fund's management into all programmes implemented under the Fund and that it is made publicly available
- An end to the Fund as planned in 2020, and for all future projects aimed at addressing "the root causes of instability, forced displacement and irregular migration" be mainstreamed into the Neighbourhood Development and International Cooperation Instrument (NDICI). This would not only streamline the various programmes, it would provide greater Parliamentary scrutiny and democratic accountability
- In the context of EU bodies and institutions, the Regulation (EU) 2018/1725 applies¹⁰, meaning that all institutions acting as data controllers have a legal obligation to perform a data protection impact assessment prior to engaging in processing that result in high risks for freedoms and rights of data subjects.
- Any programmes providing security-related capacity-building to third countries to be included at a capped amount within security-related funds, such as the Asylum and Migration Fund (AMF), the Integrated Border Management Fund (IBMF) or the Internal Security Fund (ISF).

For more information please contact info@privacyinternational.org.

¹⁰ A previous version of this document stated that the GDPR applies rather than Regulation (EU) 2018/1725, which is the legal framework governing the processing of personal data by the Union institutions, bodies, offices and agencies

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