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INFORMATION NOTE

Regional and Bilateral MEDA Co-operation in the Area of Justice, Freedom and Security



JUSTICE AND HOME AFFAIRS IN THE FRAMEWORK OF THE VALENCIA ACTION PLAN

Regional and Bilateral MEDA Co-operation in the Area of Justice, Freedom and Security

An overview of MEDA / JHA co-operation activities

This document, prepared by the EuropeAid Co-operation Office with the collaboration of the Directorate General for Justice, Freedom and Security, provides an overview of MEDA / JHA co-operation activities within the framework of the Euro-Mediterranean partnership. Furthermore, it contains a brief reference to future action lines in the context of the financial allocation for the period 2005-2006, in order to illustrate the importance that the Commission attaches to the enhancement of the Rule of Law and Good Governance, as well as on security issues and migration as key elements for the reinforcement of the MEDA co-operation policy.

1. INTRODUCTION

Justice, freedom and security issues are a key element in the framework of the Euro-Mediterranean relations, both at regional and bilateral level.

The **Barcelona process** was fully aware of the above as it is reflected in the 1995 Declaration. This policy document identified the reinforcement of good governance and the rule of law as one of the objectives of the Euro-Mediterranean partnership, and stressed the need for closer links between administrations, legislative changes and best practice sharing.

Bilaterally, the association agreements with Mediterranean countries (Tunisia, Israel, Morocco, Palestinian Authority, Jordan, Egypt, Algeria, Lebanon and now Syria) have gradually broadened their scope by including more justice, freedom and security provisions.

Within the **European Neighbourhood Policy** (ENP), Justice, security and freedom issues have been selected as a key priority area for enhanced co-operation with neighbouring countries. Accordingly, all the Action Plans with partner countries contain a significant “JLS” section covering the judicial system, corruption, asylum, migration, visa, readmission, border management, the fight against organised crime including trafficking in human beings, drugs, financial and economic crime (in particular money laundering) and police/judicial co-operation. The implementation of the action plans will be supported through MEDA and the appropriate budgetary instruments, as well as from 2007 through a new European Neighbourhood Instrument (ENI).

2. THE REGIONAL PROGRAMMES

(i) Policy background

Judicial questions and matters falling within the scope of the internal policies of the EU Member States – such as reform of justice, drugs fighting, organised crime and terrorism, migration and trafficking in human beings – have become major issues for the politics and actions of national administrations and the EU.

On the basis of the Barcelona *acquis*, subsequent EuroMed Ministerial Conferences have further underlined the necessity of strengthening co-operation towards the development of a justice, freedom and security space, whilst calling for the enhancement of political dialogue and the study of partnership measures in the various areas concerned.

Against this background, a **Framework Document on co-operation in the area of justice, the fight against illicit drugs, organised crime and terrorism, as well as co-operation on the questions linked to the social integration of immigrants, migration and movement of persons** was adopted by the Ministers of Foreign Affairs during their meeting in Valencia in April 2002; the document endorsed the idea of a regional programme in the field of justice, freedom and security.

(ii) The MEDA “Justice, Freedom and Security” Programme (Phase I)

On the basis of the above policy document, the Regional Strategy Paper 2002-2006¹ and the Regional Indicative Programme 2002-2004 emphasized the need to reinforce good governance support in the changing political context of the Med countries, and provided for the launching of the so-called “MEDA/JAI” Programme, with a EUR 6 million budget.

This partnership initiative, the implementation of which started in the course of 2004, covers **regional co-operation in the area of justice, the fight against illicit drugs, organised crime and terrorism, as well as co-operation on the questions linked to the social integration of immigrants, migration and movement of persons**.

The programme aims at encouraging reform of and co-operation between judicial systems, combating organised crime, drugs and terrorism, and ensuring a joint approach to the management of migratory flows, without losing sight of the overall balance of the partnership, notably with regard to the immigration issue.

A better security and the revitalisation of the process of government and development of democracy, human rights and the rule of law should considerably improve the attraction of the Mediterranean in investors' eyes and help bring the MED partners closer to the EU.

Following the « MEDA-Justice & Home Affairs Workshop » held in Brussels from 16 to 19 June 2003, in order to set out the priorities for the implementation of the programme, the Commission decided together with all Mediterranean partners to realise a EUR 6 million programme regrouping the three following components: “Migration”, “Justice” and “Police”.

¹ Adopted by the Commission on 18 December 2001, after the favourable opinion of the MED Committee of 5 December 2001.

The MEDA “Migration” project

(Budget: EUR 2 million / Duration: 3 years)

The contract for the action above (MED/2003/075-274) was signed in January 2004 with the European University Institute of Florence, which is the operator in charge of the implementation of the project.

In terms of overall objectives, this initiative aims at **assisting the relevant bodies in the Mediterranean partners to design and implement their own migration policies**. As to specific goals, the project is intended to permanently monitor, analyse and forecast the migration phenomenon in the Euro-Mediterranean area.

The global, multi-faceted and harmonized approach of the project, together with its academic dimension and the creation of a EuroMed partnership network, provides this MEDA/JLS action with an innovative nature in relation to other existing initiatives on migration in the Mediterranean region.

The **activities envisaged** for the implementation of the project include the establishment and systematic updating of a database containing existing statistical input, as well as:

- the preparation and follow-up of targeted training in order to build a Euro-Mediterranean expertise in international migration;
- the production of monographic, comparative and other types of migration-related studies and research work;
- different initiatives for the dissemination of results, i.e. publications, brochures and website.

The MEDA “Justice” project

(Budget: EUR 2 million / Duration: 30 months)

This contract has been signed in December 2004 with the European Institute of Public Administration in Maastricht as operator. Concerning the overall objectives of the project, this initiative aims at **creating an inter professional community of magistrates, lawyers and clerks in the framework of an open and modern justice service, strengthening the rule of law and the effective implementation of human rights**.

This project will also support the establishment of a multilateral co-operation framework in the sector concerned, by promoting a closer relationship between beneficiary countries, on the one hand, and between the latter and the EU Member States, on the other hand.

For the achievement of the objectives above, two **components** have been envisaged:

- a. A component consisting of training activities and exchange of experience/best practice, through seminars and workshops that will bring together experts and trainers in order to develop subjects of current concern in the international scenario (ex. civil and criminal matters, administration of justice, traffic of the human being, money laundering etc.);

- b. A component dealing with the setting up of a network (the EuroMed judicial training network) and of a web page (hosted in the Internet site of the operator, the European Institute of Public Administration in Maastricht), focusing on the project activities.

For the effective launching of the initiative, an opening conference was held on 20 December 2004, in order to start working on its implementation and to deal with the logistics, the methodology and the organisational aspects of the project. The conference was attended by representatives of the MED countries, as well as by representatives of the EU Member States.

The MEDA “Police” project

(Budget: EUR 2 million / Duration: 2 years)

The contract for the above action was signed in February 2004 with CEPOL (the European Police College).

As an overall goal, the project aims to **improve police co-operation amongst police forces in MED countries, in the areas of organised crime, international terrorism, cybercrime, human beings trafficking, narcotics trafficking and human rights.**

This goal will be achieved by the creation of a) a network of specialised police officers and trainers; b) specific didactic material (training modules and case studies); c) a EuroMed legislation database.

As to specific objectives, the project aims at improving a) information exchange and operational co-operation in the MED region through the EuroMed Police network; b) police force transparency and accountability towards the public; c) human rights standards of policing on specific issues; d) needs assessment consistency for bilateral assistance. Furthermore, the project is also intended to initiate a legal and harmonised approach on specific issues.

A key factor is the development of training seminars, where this action will associate the technical expertise with the training expertise from EU Member States and MED partners, with a view to sharing know-how and to elaborate, in a joint effort, a training module. This module will address the differences and similarities of the various police forces concerning the specific thematic issues, in order to improve the knowledge and the understanding amongst the experts. The module will be used in the respective MED police academies and training centres.

(iii) The MEDA “Justice, Freedom and Security” Programme (Phase II)

The Regional Indicative Programme (RIP) 2005-2006 confirms that the domain of Justice, security and freedom remains of major importance, and underlines the need for a deeper co-operation in this field.

The “Justice, Freedom and Security” Programme is indeed regarded by the RIP 2005-2006 as an initiative deserving special attention, since it represents a significant advance with regard to regional co-operation in the areas concerned, to be further developed both at regional and bilateral level.

In this context, the RIP provides for a **EUR 15 million budget** to cooperate in priority areas such as border controls, management of migratory flows, fight against terrorism, money laundering, promotion of independent judiciary, as well as judicial co-operation in criminal and civil matters (including family law).

3. THE BILATERAL PROGRAMMES

(i) Policy background

The association agreements between the EU and Mediterranean countries have evolved towards a growing inclusion of relevant Justice, Freedom and Security (JLS) provisions. While the oldest agreements limited its coverage to money laundering, fight against drugs and co-operation in the field of migration; the most recent ones also contain provisions on fight against organised crime and corruption, reinforcement of institutions and the rule of law as well as a clause on terrorism and readmission.

The implementation of the agreements' provisions is ensured through thematic sub-committees/working groups (i.e. "Migration and Social Affairs" and "Justice and Security") which will become the main instruments for implementing the Neighbouring Policy action plans.

It should be noted that the preparation and negotiation of this type of projects is more cumbersome than in other fields.

Finally, it needs to be underlined that Twinning² is increasingly being identified as a particularly appropriate instrument to implement JLS projects.

(ii) The on-going MEDA programmes

In 2001, the new *Country Strategy Papers* (CSP) 2002-2006 for MED countries (except for Israel and the Palestinian Territories) were finalised. These documents describe the objectives, political response and priority fields of co-operation. They are accompanied by the National Indicative Programmes (NIP) that provide more detailed objectives, expected results and guiding principles. Justice, Freedom and Security issues are among the relevant concerns in several of these programmes, including the new NIPs which were formulated in 2004 (covering the period 2005-2006).

² **Twinning**: Partnership between a Public Administration of a Member State and a correspondent one from a Beneficiary country (MED countries in this case).

MOROCCO

“Modernising Jurisdictions”

(Budget: EUR 27 million – Signature of the Financing Agreement: December 2001 – Starting date of activities: November 2003 – Duration: 36 months)

The aim of this MEDA programme consists of **improving the structural** (notably informatisation) **and organisational capacities** (formation, databases and archives) of the judicial institutions in Morocco.

The main component refers to infrastructure and information in the form of supply of IT equipment, creation of databases, establishment of regional archiving facilities and documentation support to libraries. This component includes as well an information campaign for potential users of the systems and for all citizens.

The training activity concerns mainly the use of IT equipment.

Institutional support will be provided to the Ministry of Justice in its capacity of carrying out support in the field of information and computerization of courts of justice.

“Support to the Movement of People”

(Budget: EUR 5 million – Signature of the Financing Agreement: December 2004 – Duration: 48 months)

The objective of this MEDA programme is to **promote the legal movement of people between Morocco and the EU through the restructuring of the concerned Moroccan institutional structure.**

The structure of this action is based on the following four pillars:

The most important consists in providing institutional support to the Moroccan agency for the promotion of employment. This action aims at enlarging their competences in the field of international employment and therefore supports their actions to manage the legal circulation of people towards the UE (coordinating the employment offers, demands, judicial advice and information).

Training, the second component, attempts to optimise the skills of the candidates to migration, thus, making them more attractive to employers.

These two pillars are complemented by the information and documentation about the international employment opportunities and the activities of the institution and of the project; as well as by the assistance to the return of migrants.

“Management of Border Control”

(Budget: EUR 40 million – Signature of the Financing Agreement: December 2004 – Duration: 48 months)

This MEDA project is conceived and designed to **improve the capacity of the Moroccan partner to fight illegal migration and to strengthen border management**, including surveillance.

With a main allocation in border control equipment (including data transmission and transfer), the project includes as well a component of institutional support (assistance to the newly created institutions dealing with illegal migration which will ensure a coordinated and integrated approach) and a training one (aimed at consolidating the academic education and at training the users of the surveillance equipment).

ALGERIA

“Support to the Reform of Justice”

(Budget: EUR 15 million – Signature of the Financing Agreement: October 2004 – Duration: 36 months)

This MEDA programme aims at supporting the **independence and the development of the Algerian judicial system** by improving public service and organisation, promotion of justice, the qualifications of judicial agents and computerisation.

This project will provide technical assistance under the form of advice (management, judicial map, codification review) and training to the superior board of the magistracy and the Ministry of Justice. The set up of a database is also foreseen as well as the professional training addressed to the different actors of the judicial system (support to training centres and organisation of specific workshops). More than a third of the resources will be dedicated to purchase of IT equipment.

“Support to the Modernisation of the Police”

(Budget: EUR 8.2 million – Signature of the Financing Agreement: January 2001 – Duration: 50 months)

This MEDA programme aims at **upgrading the professional level of the national security policemen, including in the field of human rights in the exercise of their duties.**

Besides providing specialised equipment mainly for the modernisation of police laboratories, training is a very significant component of this project. Training will be provided in the fields of: criminalist techniques, specialised professional training for the Police Investigation Department (including methods and techniques such as hostage-taking incidents, armed robberies, weapons traffic and fight against all kinds of illegal traffics) and training in the fields of ethical behaviour, respect of human rights and communication.

PALESTINIAN AUTHORITY

“Support for Judicial Reform”

(Budget: EUR 7 million – Signature of the Financing Agreement: December 2003 – Duration: 42 months)

This MEDA project for empowering Palestinian judicial system aims at **increasing its legitimacy and credibility** vis-à-vis the Palestinian population by strengthening the institutional capacity of the Palestinian society to develop a functioning and independent judicial system.

The programme plans for three components following an integrated approach:

Institutional support: Support to the High Judicial Council (human resource policy Code of Ethics, enhancement of the professional abilities), to the Constitutional Court (administrative organisation) and to the Administrative jurisdiction (creation, drafting of an administrative procedural law), provision of expert’s assessment of the legal status of the State Security Courts with respect to the provisional Constitution of Palestine, proposal of operational solutions.

Professional training: Training a team of trainers, elaboration of curricula and training modules, establishment of the Palestinian judicial studies centre, initial and continuous training courses.

Equipment: Indispensable refurbishment of current courts or provisional rental of new facilities (initially financed by the EC), computerisation including legal database, computerisation of courts and prosecutors’ offices, IT training.

TUNISIA

“Support to the Modernisation of the Judicial System”

(Budget: EUR 22 million – Commission’s financial decision: 29/10/2004 – Text of the financing agreement to be finalised – Planned duration: 36 months)

The objective of this MEDA programme is to support the **development of the Tunisian judicial system** in terms of administration of justice, organisation, transparency and service to the citizens and economic agents. It aims at **improving the access to justice** for the Tunisian population.

An important effort has been made to attain a balanced project that will address training of the various actors of the judicial system (magistracy, barristers, and other auxiliary professionals), dissemination of information (among which the set up of a legal and judicial database) and support to various publications, as well a supply of IT equipment to courts and tribunals.

(iii) MEDA Programming for 2005-2006

ALGERIA

“Police II project”

(Budget: EUR 10 million – Programmed for 2005)

This 2005 MEDA programme for Algeria plans a follow-up of the previous project Police I in support of police reform, and more targeted at training of border control police.

PROGRAMMES SUPPORTING THE IMPLEMENTATION OF THE ASSOCIATION AGREEMENT

Within the *MEDA Programmes supporting the Implementation of the Association Agreements with Morocco and Jordan* (and in the near future also with Algeria), **twinning projects** in the field of **Justice, Freedom and Security** may be put in place. Some are currently under preparation and will be launched shortly.

They will cover, for instance, issues like judicial sector reform, judicial co-operation, money laundering, illegal migration, anti-fraud, or/and counter-terrorism.

Some examples of such twinning projects would be:

In Morocco, medium-term assistance is being supplied for the preparation of twinning projects which should cover the following fields: (a) legal approximation in the field of money laundering and set up of a central financial coordination and information Unit and (b) reinforcement of the capacity of the auxiliary forces in border control and fight against illegal migration. Within the same programme a twinning project related to customs structure/procedures would contain, among others, provisions related to anti-fraud measures.

In Jordan, one of the aims of the *MEDA Programme supporting the implementation of the Association Agreement* is to contribute to the implementation of the Judicial Upgrading Strategy (JUST) initiative for 2004-2006 of the Ministry of Justice by focusing primarily on the strengthening of the organisational structure of Ministry of Justice in Jordan.

MEDA REGIONAL PROGRAMMES		Allocation (M €)
On-going		
Regional co-operation programme in the area of Justice, the Fight against illicit drugs, organised crime, and terrorism, as well as co-operation on the questions linked to the social integration of immigrants, migration, and movement of persons		
• Co-operation project on questions linked to the social integration of immigrants, migration and movement of persons		2
• Euro-Med Justice		2
• Euro-Med Police Co-operation		2
		6
Programmed for 2005-2006		
Justice, Freedom, Security Programme		15

MEDA BILATERAL PROGRAMMES		Allocation (M €)
On-going		
Algeria	Support to the Reform of Justice	15
	Support to the Modernisation of the Police	8,2
Morocco	Modernising Jurisdictions	27
	Institutional Support to the Movement of People	5
	Management of Border Control	40
Palestinian Authority	Support for Judicial Reform	7
Tunisia	Support to the Modernisation of the Judicial System (to be finalised)	22
		124,2
Morocco, Jordan, Algeria ³	JLS projects within the <i>Programmes supporting the Implementation of the Association Agreements</i>	Amount to be specified (within the total allocation of the programme)

Programmed for 2005-2006		
Algeria	Support to the Modernisation of the Police II	10
TOTAL		155,2

³ Algeria's programme supporting the Implementation of the Association Agreement is planned for 2005-2006