



EUROMED REPORT

Issue No 44

29 April 2002

**REGIONAL COOPERATION PROGRAMME IN THE FIELD OF JUSTICE,
IN COMBATING DRUGS, ORGANISED CRIME AND TERRORISM
AS WELL AS COOPERATION IN THE TREATMENT OF ISSUES RELATING
TO THE SOCIAL INTEGRATION OF MIGRANTS, MIGRATION AND
MOVEMENT OF PEOPLE
FRAMEWORK DOCUMENT**

1. Introduction

Judicial questions, the fight against drugs, organised crime and terrorism, the social integration of migrants, migration and movements of people) play a key role in the policies and actions of governments. Such issues are no longer purely internal, and governments now recognise that lasting solutions to these problems can only be arrived at through close regional and international cooperation. This was emphasised by the events of 11 September 2001, which highlighted the importance and urgency of increased international cooperation in these areas.

The 1995 Barcelona Declaration had already stressed the importance of such cooperation and had specified strengthening the rule of law as one of the objectives of the Partnership. It emphasised the need to develop closer links in areas such as the fight against organised crime, judicial and police cooperation, migration and trafficking in human beings. These are shared problems which need to be addressed as a whole. Dealing with them will require unprecedented levels of cooperation between administrations, as well as changes in legislation and administrative practices. Working together in these areas will also make it possible to intensify current Euro-Mediterranean cooperation and contribute to achieving the general objectives of the Barcelona Process.

At the Marseilles Ministerial Conference in November 2000, the Presidency's formal conclusions on these issues reaffirmed the need to enhance political

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dialogue, and instructed the Senior Officials to extend the dialogue to areas such as the process of consolidating the rule of law and to study partnership measures in the civil area, in relation to the fight against crime and illicit trafficking of all kinds, migration and movements of people. Particular emphasis was placed on the desirability of intensifying dialogue on this question by favouring a comprehensive and balanced approach and by strengthening the policies of development and integration of third-country nationals residing legally in the territory of the Member States.

2. Towards a regional programme for Euro-Mediterranean cooperation **General aims**

Broadly speaking, the main aim of this future programme is to strengthen cooperation between Euro-Mediterranean Partners in priority areas. The regional dimension will facilitate exchanges of views, information and best practice, as well as the development of policies for possible implementation at national, regional or sub-regional level.

Cooperation should take account of the following elements in particular:

- (a) Promotion and effective implementation of the international acquis on the subject

Where circumstances require, cooperation should favour the adoption by the Euro-Mediterranean Partners of legislative measures to conform to international rules. It would be advisable to develop a cooperation policy aimed at effective implementation of these measures and improvement of existing administrative practices. This presupposes a cooperation policy focused on the modernisation of administration and the training of staff.

- (b) Promotion of the fundamental values to which the Euro-Mediterranean Partners are attached, in particular human rights, democracy, good governance, transparency and the rule of law

These goals represent a lofty ambition which the Euro-Mediterranean Partners could endeavour to achieve in a spirit of mutual respect and by pragmatic methods.

- (c) Creation of a stable and transparent judicial environment.

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Cooperation should encourage reforms in the interests of both the Mediterranean partners and the EU Member States. A stable and transparent legal system is an important factor in ensuring respect for the rule of law, the protection of human rights and the economic interests of domestic and foreign investors.

- (d) The aim of achieving sustainable development leading to long-term stability and prosperity.

Specific objectives

The precise definition of the objectives of this future programme will have to involve a process of dialogue and working together between all the partners. There may therefore be a need for actions such as drawing up an inventory of the relevant national regulations of the Euro-Mediterranean Partners, exploratory missions and situation studies on more specific issues, to be carried out in agreement with the countries concerned.

The main areas of common interest as regards cooperation are judicial cooperation, the fight against drugs and organised crime, the fight against terrorism; as well as cooperation on the processing of questions relating to the social integration of migrants, to migration and to movements of people.

The regrouping of these four areas in two main chapters differentiating on the one hand between co-operation in the field of Justice, in combating drugs, organised crime, terrorism and, on the other hand, co-operation in the treatment of issues relating to the social integration of migrants, migration and movement of people, does not prejudge the relative importance of these four areas.

There is a clear common interest in adopting a joint approach to the fight against drugs, organised crime and terrorism, all of which have a cross-border dimension. The Euro-Mediterranean Partners should work together to combat the organised crime networks which support terrorism, arms trafficking and money laundering, and to fight against all forms of organised crime.

The social integration of migrants, migration and movements of people are of vital importance to the Partnership. A large proportion of migrants legally resident in the European Union are from the Mediterranean Partner countries. The harmonious development of the Partnership will be facilitated by measures

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aimed at promoting their social integration by combating racism and xenophobia. Furthermore, the promotion of partnerships between countries of origin and host countries in order to make the most of migrants' contribution to the regional or local development of their countries of origin will stimulate trade and investment in the Mediterranean Partner countries.

The geographical proximity and the gap in prosperity between the European Union and its Partners have led to illegal migration flows and trafficking in human beings, with very adverse consequences in social and human terms. All the Partners are aware of their common interest in combating these phenomena. Furthermore, the implementation of procedures governing the issue of visas to nationals of the Mediterranean Partners has often been placed on the agenda for our Euro-Mediterranean meetings. All these issues should be approached in a spirit of cooperation and with a view to identifying mutually acceptable solutions.

It is clear that the issues coming under this future programme are "horizontal" in nature and cover the three strands (political, economic and human) of the Partnership. However, for reasons of practical efficiency, it will be necessary, within an overall balanced approach, to concentrate efforts and avoid a dispersal of action. This regional programme should therefore target specific objectives within these areas and should not overlap with other Partnership programmes in the economic development or social fields.

Given the importance of the issues involved and the particular features of the institutional and legislative systems of each of the Euro-Mediterranean Partners, the programme must be implemented in a concerted and progressive manner. It should also be implemented in association with other relevant programmes, taking account of the implications for and the political links with those other areas.

The following is to be understood as a non-exhaustive list of proposed areas for action for this Euro-Mediterranean programme and which should lead to practical activities in the fields of training, transfer of know-how and upgrading of administrations, including through twinning arrangements between the administrations of the Euro-Mediterranean countries. At regional level, the Euro-Mediterranean Partners should identify the guidelines to be followed in these areas; on this basis, action will be taken at regional, sub-regional or national level in the light of the specific needs of each Partner. These activities will be implemented gradually and pragmatically, with priorities being set and

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distinctions made between what can be achieved in the short, medium and long terms, taking account of horizontal issues such as equal opportunities for men and women. The Partners' best practices will contribute to the setting of objectives to be attained for the Partnership as a whole.

I. COOPERATION IN THE FIELD OF JUSTICE, IN COMBATING DRUGS, ORGANISED CRIME AND TERRORISM

A. Cooperation in the field of Justice

- (1) improve awareness of legal systems of different inspirations and facilitate judicial cooperation, notably through meetings and information exchanges at expert and official level including, where appropriate, through decentralised cooperation;
- (2) encourage modernisation and efficiency in the legal systems of the Partners, particularly as regards access to justice to ensure effective legal protection;
- (3) promote the training of judges, judicial staff and legal practitioners in all areas of law;
- (4) cooperate in resolving civil law problems relating to individuals taking into account the relevant conventions;
- (5) encourage the provision of information on their rights and on court procedures to those seeking justice;
- (6) consolidate the bilateral conventions on mutual assistance in civil, commercial and criminal matters concluded between the Euro-Mediterranean Partners including, as far as necessary, matters of extradition;
- (7) encourage cooperation in relation to non-judicial means of settling disputes (arbitration, conciliation and mediation).

B. Cooperation in combating drugs and organised crime

(1) Cooperation in combating drugs

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- (a) encourage accession to and effective implementation of the relevant international instruments;
 - (b) promote the training of staff of police and customs services and of any other service with responsibilities in combating this type of activity;
 - (c) encourage the adoption and effective implementation of a balanced and coordinated approach by all the government bodies involved – from the health, legal and education standpoints – in the fight against drugs, based on the reduction of supply and demand;
 - (d) encourage exchanges of information and statistics on drug trafficking;
 - (e) promote coordination between police and customs services and the national and international bodies with responsibility for combating drugs.
- (2) *Cooperation in combating organised crime*
- (a) cooperate in preventing and combating organised crime, money laundering, and arms trafficking;
 - (b) encourage accession to and effective implementation of the relevant international instruments;
 - (c) promote the training of judicial, police and customs staff in combating organised crime;
 - (d) assist in setting up an effective legal, institutional and administrative framework for combating the various forms of organised crime;
 - (e) cooperate in combating corruption, particularly by establishing appropriate legislation and institutions, training staff responsible for combating corruption, and providing mutual assistance in investigations of corruption.

C. Cooperation in combating terrorism

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- (1) cooperate in a coordinated and interdisciplinary approach with a view to preventing and penalising terrorist acts;
- (2) encourage accession to and effective implementation of the relevant international instruments taking into account the relevant United Nations Resolutions, with particular reference to Resolution 1373 of the United Nations Security Council, also within the framework of the prevention and penalising of the financing of terrorist acts by applying such necessary measures as those identified by the FATF;
- (3) encourage the exchange of information on means and methods of combating terrorist groups and their networks;
- (4) promote the exchange of experiences and the training of judicial, police and customs personnel and of units specialised in counter-terrorism.

II. COOPERATION IN THE TREATMENT OF ISSUES RELATING TO THE SOCIAL INTEGRATION OF MIGRANTS, MIGRATION AND MOVEMENT OF PEOPLE

- (1) Social integration of migrants and the promotion both of their status in the host countries and of their relationship with their countries of origin
 - (a) reinforce measures for the social inclusion and family reunion of nationals of the Mediterranean Partners residing legally in Member States, taking into account national legislation and future Community legislation, in association with existing and future Community and national programmes, taking account of the bilateral Agreements and of the provisions of the Association Agreements concluded or to be concluded between the Mediterranean Partners and the European Union; promote activities aimed at non-discrimination in economic, social and cultural life;
 - (b) strengthen the human rights of nationals of the Mediterranean Partners and step up the fight against racism and xenophobia by means of suitable measures;

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- (c) promotion of partnerships between countries of origin and host countries in order to make the most of migrants' contribution to the regional or local development of their country of origin.
- (2) Stepping up dialogue and cooperation on the management of migration flows and movements of people and on questions relating to the right of asylum
- (a) promote and improve exchanges of information and statistics on migration flows, including the possible creation of databases, and intensify information exchanges on migration flows in general;
 - (b) in accordance with the applicable Schengen provisions, investigate the possibilities of simplifying and accelerating visa-issue procedures in general, investigate the possibility of recognition by Member States of special treatment for certain categories of persons from the partner countries, and specifically introduce measures to facilitate the issuing of visas in the cases of persons taking part in actions to promote Euro-Mediterranean cooperation;
 - (c) in agreement with the countries concerned, promote, where appropriate, assistance, cooperation and training relating to increasing the capacities of institutions in the processing of asylum applications and in refugee protection.
- (3) Combating illegal immigration and trafficking in human beings
- (a) combat illegal immigration by developing, in particular, mechanisms for combating networks involved in smuggling of migrants and trafficking in human beings; provide appropriate assistance to the victims of such crimes;
 - (b) promote, as far as possible, bilateral readmission agreements between the European Union and the Mediterranean Partners and between the Partners themselves for people in irregular situations, in accordance with the provisions of public international law, and, where applicable, with the obligations contained in the Association Agreements and bilateral Agreements between the Euro-Mediterranean Partners;

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- (c) examine the causes of migration flows in order to take appropriate development measures, in particular by supporting the integrated development effort initiated by the southern countries in disadvantaged areas from where there may be substantial migration, in order to combat clandestine migration upstream by discouraging potential emigrants from leaving;
 - (d) strengthen solidarity and exchanges of information between countries of origin, transit and destination;
 - (e) set up modern and effective systems to control and monitor borders, especially by strengthening administrative infrastructures, offering technical assistance for training the staff that are assigned to them and cooperating in the use of suitable technical resources. Along these lines, provision must be made to train border police and airline and shipping-line staff in the detection of false documents;
 - (f) encourage accession to and real application of relevant existing international instruments.
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