

Summary Note

Discussions held at the 4th, 6th and 7th Migration Coordination Group Meetings

Flexible Mechanism for Migration and Forced Displacement

17 June, 16 November and 24 November respectively.

1) Background on the “Flexible Mechanism for Migration and Forced Displacement”

Under the NDICI-Global Europe Regional MIP 2021-2027 for Sub-Saharan Africa (SSA) an allocation of 600 M EUR is specifically foreseen for the SSA countries under the flexible incitative approach required by the article 8.10 of the Regulation establishing the NDICI instrument over its 7 years period.

For the implementation of the first 200 M EUR of this allocation during the first three years (2022-2024) of the NDICI, the Commission elaborated a project, called “The Flexible Mechanism for Migration and Forced Displacement” which was discussed in a preliminary manner by the Commission services at the first migration coordination group meeting of 3 December 2021, and was subsequently submitted to -and unanimously endorsed by all EU Member States at- the Global Europe Committee of 25 July 2022, and eventually formally adopted by the Commission on 30/09/2022, on the basis of the Action Document in annex.

The aim of the Flexible Mechanism is to **maximise EU leverage in migration discussions vis-à-vis Sub-Saharan African counterparts, based on a flexible and incentives-based** approach while also respecting policy coherence for development, the EU global commitments on to protection in the areas of forced displacement, as well as its foreign policy objectives.

The initiatives to be funded under the mechanism are identified by the Commission services, notably INTPA, taking inspiration from all relevant sources (including the Commission, the Council and the European Council’s relevant policy documents, and the specific suggestions provided by the other Commission services, EEAS, EU Delegations, EU Member States, Sub-Saharan African countries, international organisations etc.).

Based on the procedure indicated in the Action Document establishing the Flexible Mechanism, every initiative tentatively identified by the Commission services, before being decided by the latter, should be discussed with the Member States in the context of the Coordination Group on Migration. The scope of the consultation is not to seek Member States’ approval on the basis of a vote, but rather to verify with them that the identified action complies with the selection criteria set out under the Action Document and that, given the limits of the available budget and its internal breakdown, it deserves to be prioritised.

In that respect, it is important to remember that as per the Action Document, in order for an initiative to be eligible for funding under the Flexible Mechanism, it should be destined to support an action in the area of migration or forced displacement, fully focussed on this topic so

as to deserve to receiving the migration marker 2, and taking place in a country that is falling in any of the following situations:

- (i) the country is engaging or showing willingness to engage in fighting against migrant smuggling and trafficking in human beings, as well as stemming irregular migration;
- (ii) the country is stepping up its efforts to host migrants and/or displaced people, and people in need of international protection, in a dignified way, in line with international and EU standards;
- (iii) the country is reinforcing capacities on migration management and governance, including on management of forced displacement flows, in the context of its partnership with the EU ;
- (iv) the country is showing a substantial and sustained cooperation with the EU and its MS on return, readmission and sustainable reintegration;
- (v) and/or the country is willing to cooperate with the EU and its MS to support well-managed legal migration or the implementation of the Global Compact on Refugees (or durable solutions for refugees

Should a country fall into any of these situations, the funds should be instrumental to achieve the following objectives:

1. Either to strengthen the country's cooperation with the EU on migration and forced displacement (objective for which under the Flexible Mechanism are indicatively reserved 115M out of the available 200 M EUR),
2. Or, support the country's capacity and efforts to tackle the migration and forced displacement challenge having been identified in migration dialogues with the EU, doing so with solutions with are in line with the EU interests and values (objective for which under the Flexible Mechanism are indicatively reserved 85M out of the available 200 M EUR),

An additional factor to be taken into account when verifying the possibility to finance an action, as well as the expediency to prioritise it, is that, based on the approved Action Document, the 200 M EUR available under the Flexible Mechanism, should be indicatively committed on the basis of the following geographical distribution keys:

- up to 105 MEUR could be committed for countries in West Africa
- up to 90 M EUR for countries in East and Central Africa
- up to 5 M EUR for countries in Southern Africa

2) Report on the use of the “Flexible Mechanism” in 2022

a) Niger

On 17 June 2022, at the 4th meeting of the Coordination Group on Migration, the Commission services presented the first action identified by them for funding under the Flexible mechanism:

Joint Investigation Team for the fight against criminal networks linked to irregular migration, trafficking of human beings and smuggling of migrants in Niger (13M EUR) .

The **Joint Investigation Team** (JIT) initiative for Niger works with a special unit from the police- jointly with EU experts. Since 2016, the initiative has been funded through the EUTF, focusing on investigative/judicial/cooperation with other police and regional entities. It will be implemented over 5 years, by FIAPP. It will be funded through the flexible mechanism for the following reasons:

- there is a good level of cooperation between Niger and EU in terms of addressing trafficking in human beings, justifying this “more for more” approach
- tackling trafficking in human beings is already a priority in the MIP
- it is aligned to the new EU communication on trafficking
- Niger is a priority country in the region

The Commission services stressed that this initiative was in compliance with the first selection criterion listed above (*country willing to step up fight against migrant smuggling*) as well as with the first of the two objectives of the Flexible Mechanism (*strengthening cooperation with the EU, in the context of the new Operational Partnership on Smuggling signed in July 2022*). The Commission also reminded that in Niger, actions in the area of migration were already supported through the NDICI Country MIP, hence the use of the Flexible Mechanism funds would represent an additionality.

Comments/Feedback from EUMS

All the Member States that took the floor at the Coordination Group (ES, FR, NL, DE, BE, DK, AU) supported the choice made by the Commission services. The only critical remark was expressed by DK, noting that such an action could also have been funded under the CSDP funds; nevertheless also DK did not put in doubt the legitimacy for NDICI to finance such an action.

Conclusion: *The Commission considers it justified to proceed to the funding of the project*

b) Mauritania

On 16 November 2022, three new actions (in annex) were presented at the 6th meeting of the Coordination Group for funding under the Flexible Mechanism, one on Mauritania, one on Kenya and one on Uganda respectively.

Mauritania: 20M EUR - Preventing irregular migration in and from Mauritania through reinforcing its youth and migrants access to TVET and jobs

This action aims at supporting Mauritanian authorities in providing vocational educational training as well as job creation for the migrants and refugees that are currently hosted on its territory, with the aim to facilitate their social and professional inclusion in Mauritania, and avoid their secondary movement towards the EU. While focusing on migrants and refugees hosted in Mauritania, the support will also be offered to young Mauritians, to avoid that they embark on irregular journeys pushed by unemployment. The action is linked to a 3 months regularization exercise recently launched by the Mauritanian authorities aimed at regularizing all migrants finding themselves in an irregular situation in Mauritania. More than 100,000 migrants including 40% women have registered to this regularisation scheme. In addition, Mauritania is hosting 90,000 refugees from Mali. Mauritania has been supported through the EUTF with TVET actions but exclusively targeting the national population. This intervention will mainly be implemented in the areas where migrants and potential irregular migrants are currently living, in particular Nouakchott and Nouadhibou. This action will not give better rights to migrants than nationals, but aims to use existing national schemes to also support regularized migrants. The authorities are receptive and cooperative.

The proposal has three components:

- improve relevant skills and competences of migrants and youth, particularly young women, linked to access to employment;
- facilitate access to employment and support entrepreneurship of migrants and unemployed youth, particularly young women; and
- improve migrants, refugees, potential migrants' and diaspora access to information with regard to economic/employment opportunities and migration risks and opportunities.

The Commission services presented the action as one fulfilling in particular the first selection criteria (stemming irregular migration), but also the second (hosting refugees in an inclusive manner) and third (increasing migration management capacities). It contributes in particular to achieve the second objective of the Flexible Mechanism (strengthening partner capacities to cope with its migration challenges), with solutions which are in line with EU interests and values, as it reduces the likelihood of irregular secondary movements from the Mauritanian coast towards the EU borders. It also provides incentives for Mauritania to continue its cooperation with the EU in fighting against irregular migration, which is already solid, and could further be strengthened as result of the ongoing discussions with the Commission on a status agreement with Mauritania on operational cooperation in border management with the European Border and Coast Guard Agency (Frontex). The Commission also reminded that in Mauritania actions in the area of

migration were already supported through the NDICI Country MIP, hence the use of the Flexible Mechanism funds would provide an additionality.

Comments/Feedback from EUMS

All Member States supported the choice of the project and none raised doubts on the eligibility of this project or country for the Flexible Mechanism funding, expressing only in some cases suggestions for improvement. Several EUMS mentioned that Mauritania should be considered a **priority country** for the flexible mechanism and that the request is linked to an ongoing political dialogue between the EU and Mauritania (FR). Several EUMS also emphasized their close and good cooperation with Mauritania even in the field of return and readmission and generally **supported the content** and quality of the document (ES, FR, SE, NL FR) expressed an interest in participating in the programme. DE stressed the importance of **coherence with other partners in the field**, including IFD and World Bank. DE has a project on business climate (4M EUR) and works in the field of private sector promotion. FR has programmes in the construction sector (building/labour/vocational training), as well as with CSOs and specifically target youth. NL stressed the importance of ensuring that the **special needs of women and children** are reflected in the programme and suggested paying attention to the risk of **possible conflict between the host community and the migrants** over limited job/education/training opportunities.

EU answer

The proposed improvements will be taken into account. The proposed close coordination and cooperation offered by several EUMS is most welcome and will be ensured.

Conclusion: *The Commission considers it justified to proceed to the funding of the project*

c) **Kenya**

Kenya: 15M EUR- Building Refugee Settlements in Kenya

Kenya hosts more than 0.5 M refugees and asylum seekers. Kakuma and Dadaab are the biggest camps. The bulk of the refugees are from Somalia, S. Sudan and DRC.

In early 2021, the Government of Kenya had asked to close the camps. However, later in 2021 a new Refugee Act was endorsed, reversing the camp policy 180 degrees and proposing to transform the camps into settlements. It is also known as the Kenyan Marshall plan. It is aimed at easing the restrictions refugees are still facing and increasing living standards for refugees and host communities. The action complements previous and current EU programmes (EUTF, MIP). Since 2016, the EU has supported self-reliance in Kenya. Kenya is the 4th largest host of refugees and asylum seekers in Africa.

The action considered by the Commission services under the Flexible Mechanism aims at supporting Kenya to implement this new policy approach. The initiative will aim at achieving the following results:

- Improved availability and up-take of fresh, locally- produced and nutritious foods.
- Enhanced access to integrated service provision for refugees and host communities.
- Improved urban infrastructure and public spaces created for displacement-affected communities in Kakuma-Kalobeyei.
- A market-driven business-environment supported, in which private sector investments are encouraged in Turkana West.

The Commission services stressed that this initiative was in compliance with the second selection criterion listed above (*enhancing the way of hosting refugees*) and contributed to the second objective of the Flexible Mechanism (*supporting a partner countries in facing its migration and forced displacement challenges in an innovative manner, adopting best practices and in line with the solutions identified in the context of the migration dialogue with the EU*). The Commission also reminded that, in Kenya, actions in the area of forced displacement were already supported through the NDICI Country MIP, hence the use of the Flexible Mechanism funds would represent an additionality.

Comments/Feedback from EUMS

FR, NL, DK, DE expressed comments on this project. Nobody questioned the expediency of the envisaged intervention, but two MSs (FR, NL) expressed a preference for such a project – being related to forced displacement rather than migration. They furthermore added that Kenya is not a priority country for irregular migration directed to the EU- and that the action should be funded under the Country MIP or the Forced Displacement’s allocation of the Regional MIP, rather than by the Flexible Mechanism. Several MSs also suggested some improvements. FR asked if UNHCR had been identified as implementing partner and expressed an interest in bringing in support through voluntary contributions. FR enquired about the complementarity with a previous project presented to the Coordination Group on Migration which covered the same needs in Kenya. France supports vocational training initiatives in Kenya. DE stressed that the drought

situation should also be considered and DK asked if the support to the **national insurance scheme** will be included and if a role is foreseen for the UN resident coordinator and refugee Donor Group. NL explained that they are active through the Prospects partnership and enquired about the consultations undertaken and the overall sustainability of the proposed initiative. Several EUMS mentioned upcoming or recently launched initiatives (DK, SE) on financial inclusion, village saving and loan associations, with focus on refugees in urban areas, capacity building, guarantees etc. They promised to share additional information.

EU answer

The EU has already been supporting this sector through the EUTF and the NDICI country MIP. The previous programme presented to this group targeted a similar area but the new action extends the support, specifically for Dadaab, and focuses on the settlement development. Without the Government's official shift in positions, the latter would not have been feasible, which is why the additional funding is very relevant at this critical juncture.

UNHCR has been selected for the first 3 components of the project. A workshop to discuss the details is organized for 9 December 2022. The sustainability of in particular the health facilities in Dadaab will be considered. The aim is that the beneficiaries will be eventually accredited to the National Health Insurance Fund, while the most vulnerable ones will continue being covered by UNHCR.

It is true that the implementation of the 2021 Refugee Act will be a challenge and that the regulations around it have not been finalized. Nevertheless, the EU will take over the position of chair in the Refugee Donor Group (together with ECHO) and support this process. In this capacity, the EU will coordinate the joint position of the group, including US, DE, FR, UK, NL, SE, CA, CH and others.

The Commission services stressed that projects related to forced displacement are eligible for funding under the Flexible Mechanism based on its Action Document. The Commission also noted that the proposed action concerned a country which, in the context of the forced displacement in the Eastern and Central Africa region, could certainly be considered a priority country, given the extent of the refugee community hosted. The Commission stressed that, although in principle funds for this action could have been mobilised under the forced displacement allocation of the Regional MIP SSA or the Country MIP, nevertheless it is justified and preferable to mobilise the Flexible Mechanism to express a clear signal of additionality, to express praise for the new policy approach taken by Kenyan authorities, in line with the "more for more" approach.

Conclusion: *The Commission considers it justified to proceed to the funding of the project.*

d) Uganda

Uganda: 15M EUR - European Union support to Uganda's engagement on forced displacement and migration

Uganda hosts the largest refugee population in Africa, currently standing at over 1.5M. This population has increased significantly this year with over 100,000 refugees arriving predominantly from DRC. The increased refugee population combined with a structural underfunding of the humanitarian operation compromises the government's delivery of basic services in the settlements and refugee hosting districts. Uganda is a good example of the **HDP** nexus approach and a **key country under the CRRF**. Uganda represents also a priority partner country in the region.

The proposed action in Uganda includes the following components:

- To support national efforts (institutions) to adopt knowledge-based integrated policies on forced displacement and migration and contribute to their operationalisation at national and sub-national levels.
- To strengthen the provision of inclusive and more sustainable basic services in identified districts currently facing the influx of refugees.

This proposal is considered for funding through the flexible mechanism for the following reasons:

- The government has **strengthened its dialogue** with partners to secure additional support on the refugee response, in Uganda but also in Brussels. Overall, this dialogue shows the strong willingness of Government to cooperate with the EU on the management of forced displacement ("more for more" approach).
- The policies are in line with EU policies and the sector is already a priority in the MIP. This action is a complementary measure to ongoing support under the MIP. However, due to the current circumstances, **there is a real risk of reversal of policy** in the field of migration management and forced displacement. We need to respond, in order generate incentives that would back the model role played by the Government on hosting refugees. Uganda is not changing policy, but rather continuing their constructive, human rights based approach with the overall aim of finding durable solutions for the refugees in Uganda. They have always delivered and they are currently underfunded.
- The flexible mechanism provides the ideal tool to respond to this **urgent political need**. It would not only allow to highlight swift EU support in response to the dialogue with the Government of Uganda, but it would also be very relevant in the context of the Great Lakes, where we are following a political imperative to strengthen our engagement in the region with a key focus on the security conditions in DRC and their effects in the region including in terms of forced displacement.

Against this background, the Commission services stressed that this initiative was in compliance with the second selection criterion listed above (*enhancing the way of hosting refugees*) and contributed to the second objective of the Flexible Mechanism (*supporting a partner countries in*

facing its migration and forced displacement challenges, continuing to apply the best practices and in line with the solutions identified in the context of the migration dialogue with the EU). The Commission also reminded that in Uganda actions in the area of forced displacement were already supported through the NDICI Country MIP, hence the use of the Flexible Mechanism funds would represent an additionality.

Feedback/Comments from EUMS

Several EUMS intervened (DK, FR, ES, NL, SE, DE, BE); none criticised the content of the project or the political opportunity to continue supporting Uganda's capacity to admit refugees. Some EUMS (DE, DK and BE) welcomed the initiative, while others (FR, NL, ES) **questioned it**, stressing that it would be more appropriate to use the Country MIP, the forced displacement allocation of the Regional MIP SSA or the Rapid Response Pillar of the NDICI. They mentioned that that Flexible Mechanism should be reserved for priority countries of migration. Some MSs also raised additional points invited the Commission to ensure coherence with other existing programmes, including one on education (NL) and another on resilience 4M EUR (SE), and to account for refugees' basic needs including food security (DE). NL also enquired about the impact of the DRC situation on Uganda and the EU position in this regard.

EU answers

The Commission services stressed that projects related to forced displacement are eligible for funding under the Flexible Mechanism based on its Action Document, and that the proposed action concerned a country which, in the context of the forced displacement, could certainly be considered a priority country, given the extent of the refugee community hosted and the importance of its contribution for the benefit of the stability of the overall Great Lakes region, a region of strategic importance for the EU. The Commission stressed that it had not seemed fair to fund this action under the Country MIP, as the latter had been already been used to finance actions supporting refugees in this country; in addition, the possibility to finance the action under the RIP SSA and through the Rapid Response pillar of the NDICI-GE had been considered, but both options had to be discarded, the first one because the new action was urgent, while a new project under the RIP SSA would have taken almost one year, the second one because, after the verification and due to conflicting priorities, it appeared the Rapid Response Pillar did not have available funds that could be mobilised for this action.

Conclusion: *The Commission considers it justified to proceed to the funding of the project*