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NOTE

From: EEAS
To: Delegations
Subject: Valletta Summit on Migration (11-12 November 2015)
- Possible elements for the outcome document

Delegations will find attached a non-paper prepared by the EEAS on the above subject.

Non-paper**Valletta Summit on Migration (11-12 November 2015)****Possible elements for the OUTCOME DOCUMENT for Valletta**

The present non-paper aims at providing elements to be included in the outcome document of the Valletta Summit on Migration (11-12 November 2015). This draft is a living document that takes into account the inputs so far received from EU Member States, the EEAS and the relevant services of the European Commission. This document will provide the basis for EU internal discussions (the first to be held on 22nd July) which will lead to the preparation of a first draft of the outcome document in September. It, and the discussions with Member States, will also enable to prepare a shorter version of this note to circulate to African partners in late August as a basis for the first senior officials meeting in mid-September.

The political declaration and the outcome document to be adopted at the Summit will need to be prepared in close partnership with the African participants. Coordination on the EU side will be assured by the Friends of Presidency working group, already set up. Negotiations with African partners will be undertaken through meetings with key African countries and at the senior officials' meetings of all participants to be held in September and October.

Guiding principles

- **Migration as challenge and opportunity:** migration is a global phenomenon providing both challenges (migrant smuggling, human trafficking, increased numbers of refugees and internally displaced persons, human rights abuses, etc.) and opportunities (innovation, remittances, contribution to social security schemes, etc.). The purpose of the Summit is to consider both the challenges and opportunities and agree on actions to undertake, individually and collectively, to address the former and maximise the latter.
- **Shared responsibility:** migration is a shared responsibility and it is in the joint interest of all parties concerned to ensure that migratory flows between and within continents are managed in an effective, sustainable and safe manner.
- **Comprehensive approach and linkages between the areas for action:** the response to migration challenges needs to build on a comprehensive approach, making full use of all tools at our disposal and looking into all aspects, including human rights protection, security, conflict prevention, development and principled humanitarian aid. Such a comprehensive approach should include both short-term and longer-term measures. In this spirit, the various clusters for action listed below should be seen as an inter-related package. It will be necessary to build attractive offers making full use of all tools and instruments, and to tap into all resources at our disposal to create incentives for the partner countries to engage with the EU, in particular in relation to return and readmission.

- **Partnership and ownership:** the Valletta Summit must build on a true partnership and a constructive and open dialogue on issues of mutual interest, in which all partners are called to bring ideas and proposals to the table. Ownership of all parties will be essential to ensure an effective follow-up. To this end, the African partners will be involved at the earliest possible stage. In particular, in order to ensure a high degree of partnership and ownership, the first draft document to be shared with our partners should be as simple as possible and build on the five clusters of actions presented in the COREPER orientation note.
- **Building on existing engagements and dialogues, in particular the Rabat and Khartoum processes and the EU-Africa Dialogue on Migration and Mobility:** the Valletta Summit will take into account, build on and give more impetus to the existing dialogue and cooperation arrangements between European and African countries looking at all aspects pertaining to effective and sustainable management of migratory flows. Coherence and synergies with the EU-Africa Declaration on Migration and Mobility, the Action Plan adopted at the 4th EU–Africa Summit in April 2014, the Joint Africa-EU Strategy and the Cotonou Agreement will be ensured, with particular reference to the governance aspects. The Rabat and Khartoum processes will play a particularly important role as key frameworks for dialogue and cooperation as well as for delivery of jointly chosen actions. To that end, it will be important to secure adequate funding for implementing actions under the two processes. On the EU side, the **European Agenda on Migration**, together with the Conclusions of the European Councils of 23 April and 25-26 June, provides the overall policy framework while the **Global Approach to Mobility and Migration** will continue to provide the guiding principles for the dialogue with the African partners. The ongoing review of the European Neighbourhood Policy will be equally taken into account.

Key elements for deliverables

The summit outcome document will be structured around the following clusters drawing from the European Agenda on Migration and the external dimension of the Global Approach on Migration and Mobility as well as the Conclusions of the European Councils of 23 April and 25-26 June. The order in presenting the clusters does not reflect any particular priority, but the need to offer a coherent narrative. All aspects are equally important in the context of a comprehensive approach which needs to include actions in each of the identified clusters. We may also wish to include some reference to a mechanism for monitoring and evaluation to ensure actions are delivered.

The setting up of an **EU Trust Fund for the Sahel, Lake Chad and the Horn of Africa** is under consideration. This will allow the EU's political engagement and commitments in the Valletta Summit to be translated into concrete actions. Its aim would be **to finance concrete actions and projects supporting all aspects of stability** (resilience, economic opportunities, security and development). It will therefore contribute to the actions foreseen under the following clusters, and in particular help national authorities cope with and address the root causes of irregular migration. Several EU MS have already indicated an interest in contributing to the Trust Fund.

1. Development benefits of migration and addressing root causes

1.1. Investing in development

- **Review and strengthen the mainstreaming of migration in development cooperation programming as well as into national and regional development strategies.** In a spirit of close partnership, migration will be incorporated into development cooperation programmes and activities with a view to respond to root causes of irregular migration, forced displacement and to facilitate return and reintegration in a more effective manner in targeted priority countries. This is in line with the post-2015 Agenda and Council Conclusions of December 2014. Coherence with other policies, such as trade, will be sought.
- Support to partner countries in **boosting socio-economic development** including through promoting **rural development**, increasing production and productivity, enhancing access to social services and social protection, including technical vocational training, education and health, **creating job opportunities, especially for the youth**, supporting the transition from the informal to the formal economy, strengthening capacity of labour market institutions and actors, building up infrastructure, and supporting inclusive governance for a conducive environment to sustainable development and a fairer distribution of resources.
- Where relevant, **private sector** could also be supported, by sharing know-how and good practices to improve the business climate, develop SMEs, spur entrepreneurship and business networks, social dialogue, enhance sectors of common interest and facilitate trade.
- Support **resilience** in terms of food security and of the wider economy and basic services, in particular to the benefit of the most vulnerable, refugees and internally displaced people, including through food and nutrition security, health, education and social protection. Cooperation to address environmental and climate change issues will be enhanced.
- Dedicated support could be provided to enhance livelihood and self-reliance opportunities for displaced persons, as well as to refugee-hosting communities.
- Support and capacity building to partner countries in the area of **remittances**, in particular to promote cheaper, safer and faster transfers of remittances and to facilitate productive domestic investments.
- Support to partner countries on mapping of **diaspora** and diaspora engagement. Further reflections on involvement of European diaspora in Africa should be pursued.

1.2 Addressing instability and crises

- Jointly pursue actions to **prevent, reduce or resolve conflicts** generating internal displacement and refugee flows, including by supporting national, regional and international efforts to find political solutions.

- Increase collective efforts to **prevent new conflicts** and address the sources of human insecurity, including human rights abuses, which risk generating displacement and migration.
- **Support to state building and good governance measures in fragile countries**, including through state-building contracts and existing CSDP missions, such as EUCAP Sahel Niger, EUCAP Sahel Mali, EUTM Mali.
- Ensure that the development angle is considered from the outset of crises using tools such as joint assessments, joint conflict analysis and joint programming.

1.3 Humanitarian assistance

- Provision of **humanitarian assistance** in countries most affected by forced internal displacement and/or flows of refugees, in accordance with the needs and vulnerabilities and in line with humanitarian principles. This should be done in conjunction with development assistance so as to ensure that displacement does not become protracted, and that it does not lead to further displacement.

2. Legal migration and mobility

- Promote legal channels for migration and mobility from African countries, in particular within the framework of the **Mobility Partnerships**, as well as to expand **current educational and skills' recognition schemes** to play a more effective role in matching labour needs in Europe. Twinning between labour market agencies and key institutions in MS should be encouraged as well as work on pre-departure measures (e.g. foreign language and vocational training). Fully respecting MS national competence on the matter, the EU could play a coordination role in this regard, by putting together individual offers from MS in a global package.
- Promote **mobility of students, researchers and other qualified persons**, including through Erasmus + and Marie Skłodowska-Curie action, as well as enhancing cooperation with African universities. A strategy targeting youth, education, employment and mobility in the North of Africa will also be designed and implemented.
- Explore more effective ways to work on **circular migration**, taking into account the recently adopted EU rules facilitating circular migration (i.e. Seasonal Workers Directive).
- Support the elaboration and implementation of **comprehensive national strategies on migration and mobility**, taking into account relevant global and regional frameworks and standards.
- Capacity building at regional and national level for the **facilitation of regional mobility** and to improve national labour migration systems. This includes supporting the mutual recognition of qualifications across the African continent.

- **Effective access to social security** in host countries as well as the portability of social and pension rights should be promoted, including via bilateral or regional agreements.
- Continue current approach whereby **visa facilitation agreements are negotiated in parallel with readmission agreements**, as well as in the framework of Mobility Partnerships (see also cluster 5).
- Create **synergies between negotiations on visa facilitation/readmission and other areas such as trade and development**. Commitments set out in trade agreements regarding the temporary presence of persons for the provision of services could be operationalized as incentives for cooperation on return, including through the conclusion of readmission agreements.

3. International protection and asylum

- Develop and further enhance **Regional Development and Protection Programmes in North Africa and the Horn of Africa**.
- Contribute to and support implementation of **actions aiming at the protection of migrants and asylum seekers along the entire migratory route**, with particular attention to vulnerable groups, such as unaccompanied minors and women. This could be done, for instance, by supporting a network of multi-purpose centres along transitory routes (pilot in Niger is expected to be operational by end of 2015).
- Reinforce **protection and asylum processing capacities of countries of origin and transit** for them to become robust providers of effective protection in accordance with international law. Regional organisations and the African Union could be supported to play an important role in such efforts.
- Support to MS' and global increased **resettlement efforts** as well as the full use of the other legal avenues available to persons in need of protection, both bilaterally and through multilateral structures (in particular UNHCR).

4. Prevention of and fight against migrant smuggling and trafficking in human beings

- Support partner countries in developing appropriate **legislative and institutional frameworks**, in line with the UN Protocol on Smuggling of Migrant by Land, Sea and Air, as well as **national and regional strategies** and operational cooperation against migrant smuggling and trafficking in human beings.
- Provide **capacity building and technical assistance to priority countries to ensure that appropriate legislative frameworks are effectively implemented**. This includes support to migration and law enforcement, judiciary and border management authorities in order to tackle migrant smuggling and trafficking in human beings, including on tracing and seizing assets and criminal proceeds, as well as on crime investigation and prosecution. Where appropriate, the EU support should also include concrete support for equipment.

- Capacity building and investment in improved **integrated border management systems at regional and national level**, especially in the Sahel region, in full respect of human rights and international humanitarian law. Establishing/upgrading capabilities to control land, sea and air borders as well as maritime surveillance capabilities in particular in Northern African countries will also be important for the purpose of prevention of irregular migration, cross-border crime, search and rescue (as well as protection of critical infrastructure, environment and fishery control).
- **EU Common Security and Defence Policy (CSDP) missions**, such as EUNAVFOR MED in the Central Mediterranean, as well as EUCAP Sahel in Niger and EUCAP Sahel and EUTM in Mali, will contribute to contain and prevent irregular migration and fight related organised crime, such as migrant smuggling and trafficking of human beings, in line with their respective mandates. Synergies between CSDP missions and development programmes will be encouraged, where possible.
- Provide **support and/or assistance to stranded/vulnerable migrants and victims of trafficking**, including through providing medical and psychological counselling, training and requalification and assistance to voluntary return from transit to source countries. Civil society organisations should play an important role in this regard.
- Provide easy and continuous **access to adequate and credible information** on legal migration opportunities and dangers of engaging in irregular migration, as well as giving a realistic view of living conditions in the EU. This could be done, inter alia, by information campaigns and supporting migrant centres in priority regions starting with a multi-purpose centre in Niger.
- Enhance cooperation with Interpol National Coordination Bureaux (NCBs) and regional bureaux in African countries in order to foster **policing capacity operational cooperation** to dismantle criminal networks and step up intelligence gathering and analysing in these countries as well as information sharing with EU Agencies and EU MS.
- Further develop and maintain **communication networks with third countries (namely Seahorse)** in order to prevent and fight irregular migration and save lives at sea.
- Support **initiatives to promote good governance and fight corruption** in order to contribute to fight against various forms of organised crime.

5. Making progress on return and readmission agreements

- Strengthen **cooperation with key countries of origin in order to facilitate the return of irregular migrants**, in full respect of the principle of non-refoulement. The general principles of international law as well as existing and/or new **readmission agreements** and art. 13 of Cotonou Agreement will provide the legal framework for such cooperation. Additional **practical arrangements** should be developed to ensure effective cooperation on return/readmission.

- In line with the conclusions of the European Council on 25-26 June all tools shall be mobilised to promote readmission of irregular migrants to countries of origin and transit. In particular, building on the "more-for-more" principle, EU assistance and policies will be used to create incentives for implementing existing readmission agreements and concluding new ones.
 - Strengthen **capacity building and assistance for priority countries in the field of return and readmission, including voluntary return and sustainable reintegration also in the intra-African context**. This includes improving the ability of the responsible authorities in partner countries to respond in a timely manner to readmission applications, identify the people to be returned, and provide appropriate assistance and reintegration support to those returning as well as to the receiving communities.
 - Special attention should be paid to unaccompanied minors (UAMs). **Reception facilities for UAMs** in partner countries should be supported so as to allow UAMs to return to these facilities in a safe manner.
 - Explore return **pilot projects with priority African countries**, drawing from the experience of ongoing return pilot projects in other countries.
 - **Cooperation with countries of origin on** addressing the absence of identification documents as one of the main difficulties in the application of return and readmission policies.
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