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NOTE

From:	Presidency
To:	Delegations
Subject:	Five years after the adoption of the Joint Valetta Action Plan: debate on the way forward – discussion paper

I. CONTEXT

2015 marked a turning point in migration and refugee governance in Europe, due to an unprecedented volume of migrants and asylum seekers arriving via the Mediterranean Sea. These new arrivals required a coordinated policy response at all levels, including regional and international levels.

In the wake of those events, in November 2015, European and African heads of State and government met for an extraordinary summit in Valletta to discuss a coordinated answer to the crisis of migration and refugee governance in Europe.

By relying on existing cooperation processes between Europe and Africa, notably the Rabat and Khartoum Processes¹, and the EU-Africa Dialogue on Migration and Mobility, leaders from the two continents reached agreement on specific cooperation principles, detailed in the Political Declaration, and on a range of objectives and priorities included in the Joint Valletta Action Plan (JVAP). The JVAP, adopted in a spirit of solidarity, partnership and shared responsibility, is designed around a five-pillar structure designed to:

1. Address the root causes of irregular migration and forced displacement
2. Enhance cooperation on legal migration and mobility
3. Reinforce the protection of refugees and other displaced persons
4. Prevent and fight irregular migration, migrant smuggling and trafficking in human beings
5. Work more closely to improve cooperation on return, readmission and sustainable reintegration

The actions listed under the five pillars are to be implemented with full respect for countries' sovereignty and national legislations and taking into account national specificities. The JVAP also identifies priority actions to be implemented in each of the domains. To support their implementation, the European Union officially inaugurated in Malta a new European funding instrument: the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa). Since its creation, it has mobilised a total amount of EUR 4850 million, with 254 programmes approved by the Operational Committees, including four cross-window programmes².

The JVAP gave an overarching role to the existing regional mechanisms, namely the Rabat and Khartoum Processes, which have taken on a role monitoring and reporting on implementation, with secretarial support from ICMPD.

¹ The Rabat Process gathers partners from 58 countries of origin, transit and destination from Europe and from North, Central and West Africa. The Khartoum Process aims to strengthen cooperation on migration and mobility as well as regional collaboration between 38 members representing countries of origin, transit and destination on migration routes between the Horn of Africa and the EU.

² Figures updated to 10 December 2020. Source: The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa) website: https://ec.europa.eu/trustfundforafrica/content/trust-fund-financials_en

In this connection, the creation of a JVAP database was a key step, to ensure the transparency of the JVAP follow-up process, thus promoting trust building across the regions. The JVAP database assesses how the two Processes' recommendations guide partners in implementing policies, programmes and legislation.

Each Process undertook one collection and an analyses of the progress of the JVAP ahead of the two JVAP Senior Officials Meetings (SOMs) held in 2017 in La Valletta, Malta, and in 2018 in Addis Ababa, Ethiopia. The individual JVAP analysis reports, prepared by the Rabat and Khartoum Processes, also included strategic recommendations to ensure the effective implementation of the Plan in light of the fast changing international context. A further update of the JVAP database was launched in April 2020.

The Joint Conclusions of the 2018 JVAP SOM in Addis Ababa reiterated the commitment of the partners to the principles of solidarity, partnership and shared responsibility underpinning the JVAP, and welcomed the increased level of implementation in 2017 and 2018 across the five domains of the JVAP. They also recommended that **the Joint Valletta Action Plan (JVAP) should be updated to reflect delivery to date and acknowledging recent policy developments**, and mandated the Rabat and Khartoum Processes' Steering Committees "to work jointly and propose updates to the Joint Valletta Action Plan (JVAP) that would be agreed by the Rabat and Khartoum Processes and ultimately endorsed at the appropriate meeting of Valletta partners at a time and a place to be agreed".

The two Processes launched the update of the Joint Valletta Action Plan in April and May 2019. Based on the mandate for the update, the principles which guided the update were: keeping the principles, structure, goals and comprehensive approach of the JVAP; not including any modifications of the text which would require political approval; removing examples that for the most part reflect country-specific interests, or were no longer relevant; and adapting the language so as to place the actions in the correct time.

Following various rounds of consultations conducted individually, an updated text was drafted. It contained a preamble on the updating process, key messages on the principles that underpinned the changes made to the original text, and references to events that led to the need to update the document.

The updated version was submitted to the Joint Steering Committee of the Rabat and Khartoum Processes, which took place in an online format on 15 December 2020. Further comments on the text were tabled at that meeting. The comments of a technical nature were integrated in the text, while those of more political nature were left to be discussed during a future SOM of the Valetta Process itself. The updated text was then circulated in January 2021 for approval through a silence procedure already concluded. This is seen as the first step before submission of the update to the Valletta Partners' SOM.

II. RELEVANCE AND ADDED VALUE OF THE JOINT VALLETTA ACTION PLAN

The Action Plan is part of the **European Union's (EU) Global Approach to Migration and Mobility (GAMM)**, adopted in 2005 and revised in 2011, and fits into the 2015 Commission's European Agenda for Migration. The JVAP has an important bearing within the GAMM and in the EU migration policies context, since it established **the first ever framework for exchanges and monitoring of migration priorities involving a significant number of both European and African partners**. The JVAP plays an important role in the implementation of the proposed new Pact on Migration and Asylum, tabled by the Commission in September 2020.

Against this background, the five JVAP priority domains allow for a balanced and comprehensive approach that takes into account both African and European countries' concerns over a range of migration issues such as the link between migration and development, legal migration, international protection, the fight against irregular migration, smuggling and trafficking of human beings, and return, readmission and reintegration. It is worth noting that the five pillars structure and its language now serves as a reference for other political dialogues and cooperation arrangements (i.e. such as the post-Cotonou Partnership Agreement to a certain extent).

The JVAP has also **served as a blueprint for cooperation** under the regional migration dialogues mentioned. The Rabat Process decided to align the Marrakesh Action Plan (its programme basis for 2018-2020) to the five priority areas of the JVAP in order to promote coherence and complementarity with the outcome of the Valletta Summit. The Khartoum Process work is informed by the same adherence to the five pillars approach. This has naturally led to the Rabat and Khartoum Processes' new mandate - conferred at the JVAP Senior Officials' Meeting in Addis Ababa, in November 2018 - to bring the JVAP up to date with recent developments and migration realities, while preserving the principles and the initial structure of the Action Plan.

Over the last five years, the **JVAP's operational focus has grown in size and scope**, as evidenced by the JVAP database.

Several other benefits stem from the strategic linkage between the JVAP and the two Processes. One worth mentioning is the **growing operationalisation of the regional migration dialogues** through, in particular, the development of resources with an operational focus and the participant profiling, increasingly adapted to the stakes of the meetings. For example, the Rabat Process has developed the labelling mechanism, the reference countries system and the laboratory of ideas to step up the implementation and monitoring of each area of the Marrakesh Action Plan³.

III. WHAT FUTURE FOR THE JVAP?

The recently updated JVAP, five years on from its adoption, still constitutes a unique cooperation and monitoring tool for Euro-African relations in the field of migration. Since 2015, the partner countries of the two Regional Dialogues have met at regular intervals at Senior Officials level to take stock of progress in the JVAP's implementation. These political follow-up meetings provide an opportunity for strategic stocktaking to evaluate the state of play of the JVAP, as well as to issue recommendations and discuss future courses of action.

The **thematic and geographical specificity** of the regional Dialogues remains relevant. Despite their joint mandate on monitoring the implementation of JVAP, the analytical work of each Dialogue focuses on the migration and mobility challenges specific to its own migration route. While retaining regional identity is essential, broadening the linkage, synergy, and complementarity with relevant frameworks that are, albeit indirectly, contributing to the JVAP goals becomes indispensable to maximise impact.

The JVAP is therefore widely seen as having contributed to shaping the political, technical, and financial architecture of EU-Africa engagement on migration and mobility. At the same time, the JVAP provides a forum of discussion that rises to the political level and so could serve as a forum for debate and discussion in the future, especially should political circumstances call for high-level multilateral engagement on migration.

³ Through the labelling system, bilateral, multilateral or regional projects, as well as meetings/events, can be labelled as "Rabat Process projects" in order to contribute to the overall implementation of the Marrakesh Action Plan. Meanwhile, the reference country system allows partners to coordinate and lead the implementation of activities in a particular domain of the Marrakesh Action Plan, in collaboration with other reference countries.

The importance of maintaining and strengthening cooperation through political multilateral dialogues, at both the continental and the regional levels, is acknowledged by the Joint Communication ‘Towards a Comprehensive Strategy with Africa’⁴ as well as by the New Pact on Migration and Asylum⁵.

The bilateral, regional and multilateral dialogues complement each other in contributing to achieving the objectives of the European Union’s migration policy.

Guiding Questions:

- 1. Can Member States agree that the updates introduced to the JVAP, as provided for after the joint Steering Committee Meeting of December 2020 and contained in ST5722/21, are compliant with the mandate of the joint conclusions of the 2018 JVAP SOM in Addis Ababa and are therefore acceptable to the Union and the Member States?**
- 2. From a Member States' point of view, what could give the JVAP a renewed sense of purpose?**
- 3. Do Member States consider that the JVAP SOMs should be held on a regular basis, for instance every two years, and that they could be used, in addition to the monitoring of the JVAP, to discuss priority subjects with African partners?**

⁴ The EU proposes to advance the implementation of the Joint Valletta Action Plan and the Rabat and Khartoum Processes together with the AU, the UN, the EU Member States and regional organisations.

⁵ The EU should build on the important progress made at the **regional** level, through dedicated dialogues and frameworks and through partnerships with organisations such as the African Union.