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**NOTE**

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From: Presidency  
To: Delegations

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Subject: Valletta Summit on Migration, 11-12 November 2015

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*Summary*

After the second Senior Officials' Meeting (SOM) in Rabat last week, the preparation of the outcome documents of the Valletta Summit has reached a decisive point. In order to move forward towards the successful conclusion of negotiations with the African partners, the Presidency believes it is necessary for Coreper to hold a discussion on a number of issues that will require an extra effort from both sides to find a compromise. The questions under the five points below constitute the basis for our discussion.

The two SOMs, as well as the various working sessions of the Drafting Committee, have shown a strong commitment from all sides to ensure that the Valletta Summit succeeds in strengthening Euro-African dialogue and cooperation on migratory issues, building upon existing mechanisms, through the identification of concrete actions on the five priority domains identified in the Action Plan. Many believe that a number of those actions should be short-term, quick impact projects, to be implemented immediately. Some parties insist on the fact that the Summit's deliverables will have to be fair, balanced and comprehensive, in the sense that actions in one domain must not overshadow those in other domains.

The points of departure of the partners are, however, quite different and that is also obvious in the discussions held so far. While EU Member States have mainly emphasised the need for clear progress in the area of return and readmission as part of a strategy to curb illegal migration and reduce pull-factors, African partners insist on framing the Summit deliverables as elements of a wider, long-term effort to regulate migration flows and mobility between the two continents and hence their insistence on further exploring legal channels into Europe. The issue of conditionality, or the "more-for-more" principle, namely as regards the link between visa facilitation and readmission, has also proved to be controversial.

The current version of the Action Plan ( doc. 12560/2/15 REV 2) discussed at the Rabat SOM is an accurate reflection of the current state of negotiations, as it includes both the areas of convergence and the more controversial aspects that both sides consider should stay in the final version of the document. The following points are those requiring our particular attention if we are to achieve a credible text, over which both sides can claim ownership.

1. Conditionality/"more-for-more" principle: throughout the text (mainly in chapters 2 - Legal Migration - and 5 - Return and readmission) references are made to the benefits that partner countries may receive if they engage more constructively on return and readmission. Although the use of the "more-for-more" principle corresponds to what the European Council and then JHA and Foreign Affairs ministers have agreed at recent meetings, it is, in its current formulation, a highly contentious aspect for most African countries.

*Questions: How explicitly should conditionality appear in the text? What alternative formulations could we explore to accommodate Africa concerns while sticking to our objectives and retaining for instance non-voluntary return as an option?*

2. Legal migration: linked to the first point, African partners criticise the text for not bringing new actions in this area or for being too modest in its ambitions (for example, by setting 2022 as the date for doubling the number of scholarships for students).

*Questions: In which areas can we show more ambition on what we propose to African partners in terms of legal migration and mobility? How can we better integrate in the text the combination of bilateral and EU level actions of legal mobility? Do Member States agree that once negotiations have been concluded on the directive researchers and students, it should become an important delivery for the strand on legal migration?*

3. Establishment of centres for potential asylum seekers: this is perhaps the most controversial action in the text, to a great extent because the purpose of such centres is not clear enough in its present formulation. *It would therefore be useful for Member States who have expressed their wish to see this concept in the text to provide further explanations on what they see as the main tasks of such centres.* The main criticism from African partners (and also from UNHCR) is that the centres would lead to an externalisation of Europe's asylum responsibilities and, while running the risk of becoming permanent camps, would represent an extra burden for their own asylum systems which are already fragile and overburdened. Furthermore, it does not present a clear commitment from Member States to new resettlement programmes, something crucial for UNHCR.

*Questions: Is there a formulation of the concept that could cater for the concerns expressed by partners? Could we explore the link between such centres and EU resettlement commitments?*

4. Follow-up and short-term actions: a number of Member States (as well as some African partners) have mentioned the importance of including in the Action Plan some actions of quick impact that could be implemented immediately after the Summit ("flagship actions", quick win, etc.).

*Questions: In which particular areas would such immediate actions be possible? Where would they have greater impact? To what extent can they be country or region specific?*

Also, despite the clear preference on both sides for using existing mechanisms, and hence avoid new frameworks for dialogue, there is still some uncertainty on how the Valletta commitments will be integrated in the existing processes (mainly Rabat and Khartoum). A more concrete formulation on follow-up is thus needed to ensure a level of monitoring and evaluation.

*Questions: Should follow-up be done exclusively through the meetings of the Rabat and Khartoum processes? Would a high-level dialogue (for instance in a SOM format) bringing together all participating parties to assess progress in the implementation of the Action Plan be more effective, at least in a first stage?*

5. Fighting criminal networks: in the relevant chapter dealing with smugglers and traffickers networks, which remains rather consensual between the two sides, African partners have been insisting, besides other possible actions, on the need for a genuine exchange/sharing of intelligence. The current state of play in this field seems indeed to indicate a shortage of information which is undermining mutual efforts to tackle the trafficking phenomenon. Furthermore, Europol and Interpol have stated their availability to take part in or facilitate projects aimed at improving cooperation in this field.

*Questions: Are Member States ready to upgrade their cooperation in the intelligence sector and to have some clear commitment in that respect being mentioned in the Valletta Action Plan? How should Europol and Interpol be associated to new cooperation projects?*

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VALLETTA SUMMIT ON MIGRATION (11-12 November 2015)

WORKING DRAFT THREE - OUTCOME DOCUMENT

Version 12 October

There is broad agreement that the Valletta Summit on migration should endorse two documents at the end of its session: a political declaration and an action plan. Below are the elements that will frame the Valletta Action Plan.

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**Introduction**

The Valletta Summit adopts an Action Plan built around five priority domains. The implementation of its specific actions will be conducted in a comprehensive, coherent and fair manner, taking into account the linkages between the different areas for action, in a spirit of partnership, ownership and shared responsibility.

We agree to conduct **regular high-level dialogue** on migration through existing mechanisms, including the Rabat and Khartoum Processes and the Migration and Mobility Dialogue.

We recall the **Joint Africa-EU Declaration on Migration and Development of 2006**, the EU-Africa Declaration on Migration and Mobility of 2014, the UN Agenda 2030 for Sustainable Development, the Declarations of the Ministerial Conferences of the Rabat Process and of the Khartoum Process on 27 November and 28 November 2014 respectively.

We underline that the proposed actions should be seen as part of one **package** and should be implemented in parallel while allowing for differentiation in relation to each country.

We set up for the implementation of the Valetta Action Plan:

**a) Financial support** through existing financial instruments and the EU Trust Fund (to be detailed)

**b) Follow-up arrangements, including for joint monitoring and evaluation**, through the existing processes, such as the Rabat process, Khartoum process and in the framework of the Joint EU – Africa Strategy

**Gender** as cross cutting issue applicable to all clusters of actions – to be mentioned as other cross cutting issues in the political declaration.

## 1. Development benefits of migration and addressing root causes

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### 1.1. Investing in development and poverty reduction

- **Mainstream migration in development cooperation**
  - *Support African countries in developing or further strengthening national migration strategies while taking note of individual countries specificities.*
  - *Integrate migration in the development and poverty reduction strategies and programmes, in particular in the areas such as labour market/employment, private sector development, education, health, social protection and security, while ensuring fully policy coherence.*
  - *Set up triangular cooperation between Sub-Saharan countries, Southern Mediterranean countries and European ones on migration-related topics with a view to fostering development in regions of origin and transit*
  - *Joint EU-Africa analysis of the drivers of displacement and irregular migration and possible measures to tackle this issue that are tailored to the specific situation*
- **Boost socio-economic development**, particularly by creating job opportunities, especially for young women and men, in regions of origin and transit of migration and in regional economic hubs.
  - *Enhance employment opportunities and revenue-generating activities in regions of origin and transit of migrants*
  - *Provide assistance to youth including education, vocational training, job creation, access to digital technologies, while ensuring equal opportunities for young women and men*
  - *Create economic opportunities for young women and men through initiatives. Those initiatives should focus on, among others, targeted measures to create jobs and employment opportunities and stimulate entrepreneurship, and programmes with civil society to foster participation of young people in the public sphere.*
  - *Provide satellite data and information (Copernicus programme) to support rural development, the improvement of food and nutrition security and the management of natural resources*
  - *Step up support to micro, small and medium sized enterprises (SME) in the formal and informal sector including through access to finance and micro-loans, training and incubation with particular focus on women, youth and rural populations*
  - *Support and boost local information and communications technology sector, including ICT startup communities, and work with them (for example through practical trainings, workshops, mentoring)*
  - *Support cross-border activities in border cities and markets*

- Support **resilience**, in particular to the benefit of the most vulnerable, including through food and nutrition security, health, education and social protection
  - *Enhance the resilience agenda aiming at reducing food insecurity and under-nutrition and increase the delivery of basic services notably through the AGIR (Sahel) and Share 2.0 (Horn of Africa) initiatives*
  - *Dedicated projects to address environmental and climate change issues in the most affected regions*
- Dedicated support to **enhance sustainable livelihoods and self-reliance** opportunities for displaced persons, as well as to refugee-hosting communities.
  - *Promote economic opportunities for displaced persons, that would also benefit the host communities and reduce dependency on humanitarian assistance*
  - *Enhance the provision of basic services for displaced persons and host communities such as increased access to education, water, health services, and vocational training in cooperation with regional and local authorities*
  - *Support host countries that have not ratified the Geneva Refugee Convention, so that refugees and displaced persons can get residence and work permits*

## **1.2 Development benefits of migration**

- Promote cheaper, safer, legally-compliant and faster transfers of **remittances** and facilitate productive domestic investments.
  - *Implement country specific programmes, maximising the impact of remittances in rural areas*
  - *Promote financial education and inclusion of migrants and their families*
  - *By 2030, reduce to less than 3 percent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 percent. In addition, identify corridors for remittances transfers where the partners commit to substantially reduce the costs by 2020, between Africa and Europe and within Africa*
  - *Explore, identify and promote innovative financial instruments to channel remittances for development purposes and to increase the volume of transfers through the formal remittance channels*
- Promote inclusive **diaspora** engagement in countries of origin
  - *Develop country specific actions aiming at enhancing the development impact of migrant diasporas to their country of origin*
  - *Further enhance the countries' outreach to and the knowledge of their diaspora*

### 1.3 Addressing instability and crises

- **Take action with regard to conflicts** generating internal displacement, irregular migration and refugee flows. Special focus should be given to the situation in individual countries ( Libya, Syria, Yemen ) and more broadly to the regions of Sahel, Lake Chad and the Horn of Africa.
  - *Support to diplomatic initiatives for some of the most urgent crisis situations such as in Central African Republic, Mali, Nigeria, Somalia, South Sudan, Libya, Yemen.*
  - *Reinforce support to conflict resolution through e.g. mediation and inclusive dialogues.*
- **Prevent new conflicts**
  - *Reinforce the support to, development and implementation of the African Peace and Security Architecture as well as the African Governance Architecture.*
  - *Cooperation regarding early warning and analysis of potential future conflicts of any nature, which might lead to displacement of the population*
  - *Measures to counter radicalisation and violent extremism among the youth will be launched, notably in the Sahel and Horn of Africa region*
- **Support State building, rule of law and good governance**
  - *Strengthen capacities of public administration in security and rule of law as well as improve border management*
  - *Support cross-border cooperation and specific actions with both security and development dimensions in remote border areas*
  - *Foster police and judicial cooperation between origin, transit and destination countries*
- **Reinforce State capacity to ensure security and fight terrorist threats**, including through continuity of existing efforts.
  - *Develop activities of EUCAP Sahel Niger along the migratory route, from the Agadez region, while increasing coordination with EUCAP Sahel Mali.*
  - *Strengthen capacity to fight terrorism and organised crime, including through training and professionalization of the internal security forces as well as judicial authorities including through regional cooperation*
  - *Human rights training elements will be included in capacity-building projects with immigration and border agencies.*
  - *Encourage exchange of information at regional level (e.g. support to G5 Sahel Security Platform) as well as with destination countries.*



## 2. Legal migration and mobility

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- Promoting **legal channels for migration** and mobility from African countries.
  - *Strengthen institutional cooperation between labour market agencies and other key institutions*
  - *Strengthen cooperation on pre-departure measures (e.g. foreign language and vocational training)*
  - *Develop networks between European and African vocational training institutions, with a view to ensuring that vocational training matches labour market needs*
  - *Step up efforts to promote legal migration and mobility within bilateral cooperation frameworks such as Mobility Partnerships and Common Agenda on Migration and Mobility.*
  - *Identify, as a pilot, one or more professions where all participating States commit to make progress on facilitating recognition of skills and qualifications (including for migrants returning to their country of origin – circular migration schemes)*
  - *While respecting the national selection and admission procedures, EU Member States to pool offers for legal migration (e.g. for work, study, research, vocational training) in their respective national schemes at EU level, to be offered to specific African countries as an element of the comprehensive logic of the Action Plan.*
  - *Promote circular migration schemes in small and medium enterprises (SMEs), including training programmes for African entrepreneurs in EU countries*
  - *Facilitate the portability of social rights of lawfully residing migrants, in conformity with international conventions, bilateral conventions, and national laws applicable in this area*
  - *Support continental, regional and sub-regional frameworks for mobility and migration, such as the Joint Labour Migration Programme adopted at the AU Summit in January 2015 and other initiatives developed by ECOWAS and IGAD*
- Promoting **mobility of students, researchers and entrepreneurs** between Africa and Europe
  - *Double the number of scholarships for students and facilitations for academic staff and researchers through EU supported and national programmes (e.g. in 2022 compared with 2015).*
  - *Use Erasmus+ annual call to support mobility of students and university staff between Europe and Africa partner countries*

- *Use the Marie Skłodowska-Curie actions calls to foster both the mobility of researchers between Europe and Africa as well as to encourage joint research projects*
- *Support the implementation of harmonised qualifications in higher education through the Africa-EU Harmonisation Tuning, Quality and Accreditation initiatives*
- *Work towards mutual recognition of academic qualifications and professional certificates through the conclusion of bilateral agreements or by other means*
- Support the elaboration and implementation of **comprehensive national and regional strategies on migration and mobility**.
  - *Encourage the development of national strategies or policies for integrating migrants into host societies and for counter-acting xenophobia and discrimination*
  - *Strengthen the capacities of civil society organisations and local authorities to advocate for and protect rights of migrants*
  - *Enhance civil status registration (communication, practical frameworks, national registration systems, modernization, exchange of information, network, training sessions). and support the creation of coherent and robust Civil Registry systems in African countries, as well as the issuance of secure national id cards and passports.*
- Explore possibilities within the existing legal frameworks to facilitate procedures for issuing visas to nationals from countries that cooperate effectively in the implementation of the Action Plan.
  - *Open negotiations of agreements on visa facilitation and readmission with selected countries.*
  - *Provide other visa facilitation through:*
    - *Simplifying entry and residence legal proceedings (including the possibility of issuing multiple-entry long-term visas, and the abolition of administrative fees for certain categories of persons)*
    - *Effective management of movement for short periods and temporary stay, and for legal migration, taking into account labour market needs*
    - *Facilitating the visa issuing processes for certain types of visitors, especially temporary visitors - such as researchers, business people and artists - and holders of service and diplomatic passports*
- Create positive synergies between negotiations on **visa facilitation/readmission** and other areas.

### 3. International protection and asylum

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#### 3.1 Protection

- Reinforce the **protection of displaced persons**, support the integration of long term refugees and displaced persons in host communities and strengthen **capacities of countries of transit, first asylum and destination**.
  - *Enhance the protection capacities of countries which are hosting large numbers of refugees and internally displaced persons, including security in refugee camps, support local development for host communities and forcibly displaced, and enable better management of forced displacement, including through developing and further enhancing the Regional Development and Protection Programmes in North Africa and the Horn of Africa. Where appropriate, this should also involve the European Asylum Support Office (EASO).*
  - *Facilitate access to justice, witness-protection and socio-psychological support for refugees, migrants and asylum seekers in case of serious crimes committed against them*
  - *Targeted pilot project to be set up on quality and training in the asylum process, in close cooperation with UNHCR.*
- Establish **centres for potential asylum seekers where**, after pre-screening, they could benefit from safe and legal ways to the EU for further asylum procedure or adequate information and assistance for their return to their respective countries of origin in compliance with relevant national legislation, international refugee and human rights law.
- Support EU, African and global increased **resettlement efforts** for refugees and strengthening the legal avenues available to persons in need of protection, both bilaterally and through multilateral structures (in particular UNHCR).
  - *Implementation of the Member States' commitment of 20 July 2015 to resettle 22,000 persons in clear need of international protection. Priority regions for resettlement include North Africa, the Middle East and the Horn of Africa*

#### 3.2 Humanitarian response

- Provide **humanitarian assistance** in countries most affected by forced displacement (both internal and refugees).
  - *Ensure provision of life-saving emergency assistance, in affected countries, that focuses on basic services (education, health and nutrition), food assistance, shelter, water and sanitation and protection. Assistance targets the most vulnerable, regardless of their status*

- *Strengthen the link between humanitarian assistance and longer term development measures to prevent further displacement, to improve livelihoods, self-reliance opportunities and to facilitate durable solutions*

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

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- Support in drafting and implementing appropriate **legislative and institutional frameworks**, in line with the UN Convention on Transnational Organised Crime, UN Protocols on Smuggling of Migrant by Land, Sea and Air and on Trafficking in Persons, especially Women and Children.
  - *National and regional anti-smuggling and anti-trafficking policies and action plans should be established or upgraded, including through developing single national contact points for anti-smuggling and trafficking activities*
  - *Support to the rule of law 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. Support could include capacity building and provision of relevant equipment.*
  - *Train law enforcement and judicial authorities e.g. on proactive and reactive investigation methods and judicial treatment of victims/witnesses and assisting in setting up specialised anti-trafficking police units*
  - *Step up capacity building to counter the production and use of forged and look-alike documents.*
  - *Ensure effective implementation by relevant national authorities of existing legislation on sanctions and measures against employers who exploit irregular migrants.*
  - *Step up efforts for effective investigation and prosecution of human traffickers and more effective protection of victims that complies with fundamental rights and takes the gender of victims into account.*
- Provide capacity building and financing for investments in improved **integrated border management systems at regional and national level.**
  - *Support to national capabilities to control land, sea and air borders as well as maritime surveillance capabilities for the purpose of prevention of irregular migration, cross-border crime as well as enhanced search and rescue (as well as protection of critical infrastructure, environment and fishery control).*
  - *Promote development and implementation of national and regional strategies and action plans on integrated border management*

- *Develop training mechanisms for border guards and police, including regional training centres and common curricula*
- Contribute to prevent and address irregular migration and to fight related organised crime, such as migrant smuggling and trafficking of human beings, including through EU existing actions, such as Operation Sophia, EUCAP Sahel Niger and EUBAM Libya.
- Provide protection, **support and/or assistance to stranded/vulnerable migrants, refugees and victims of trafficking**. Special attention should be given to refugees, migrants and victims of trafficking who are women and minors.
  - *Support to establish standard operating procedures for the referral of victims of trafficking at national and cross-border levels*
  - *Support relevant authorities and civil society organisations to provide protection and rehabilitation services, notably medical and socio-psychological counselling, training, requalification and assistance.*
  - *Support to regional cooperation initiatives on children at risk, in order to ensure comprehensive and sustainable child protection to prevent and to respond to violence, abuse, neglect and exploitation of children. Priority should be given to protection migrant children and child victims of trafficking.*
- 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.
  - *Organise information campaigns in countries of origin, transit and destination, to raise awareness of the general public and potential migrants and victims on the dangers of trafficking and people smuggling, their recruitment processes and risks, namely through public broadcasting services programmes aimed at informing the general public and potential migrants about the migratory situation in the EU.*
  - *Support mechanisms in priority regions along the main migratory routes, starting with a 'multi-purpose centre' in Agadez (Niger), which aims at ensuring provision of direct assistance and information to migrants, registration of migrants, as well as providing opportunities for safe and voluntary return and reintegration in cooperation with countries of origin. These mechanisms should also include support to local communities and should be complementary to initiatives aiming at reinforcement of local and national capacities to manage migration.*
- Foster operational **police cooperation** and exchange of information
  - *Enhance cooperation in particular with Interpol National Coordination Bureaux (NCBs) and regional bureaux in African countries in order to foster policing capacity operational cooperation, intelligence sharing, etc...*

- *Support operational police cooperation and exchange of information between EU Member States and African and encourage cooperation amongst relevant authorities including through Joint Investigation Teams. That support should involve, where appropriate, EU agencies Frontex and Europol.*
- Develop further and maintain **communication networks between EU and non-EU countries** (namely the Seahorse Mediterranean network) to prevent irregular migration and save lives at sea in compliance with the principle of non-refoulement and data protection standards.
- Fight corruption and develop **alternative income generation opportunities** in countries where migrant smuggling and services for migrants in transit are important economic factors.
  - *Pilot project in Agadez region in Niger*

## **5. Making progress on return arrangements and readmission agreements**

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Strengthening **cooperation with key countries of origin and transit in order to facilitate the return and sustainable reintegration of irregular migrants**, bearing in mind the obligation of each state under international law to readmit its own nationals in full respect of human dignity and under **art. 13 of Cotonou Agreement**, as well as the principle of non-refoulement.

- *Develop practical cooperation arrangements and bilateral dialogues on implementation of returns with regard, in particular, to identification and issuance of travel documents*
- *Strengthen the capacity of countries of origin to respond in a timely manner to readmission applications, including through missions to identify persons to be returned and support to the elaboration of updated civil registry databases.*
- *Conclusion of ongoing negotiations and launching of new readmission agreements*
- Special attention should be paid to unaccompanied minors taking into account the principle of the best interest of the child. Child protection systems in countries of origin and transit should be supported so as to offer a safe environment for vulnerable children including unaccompanied minors upon their return
- Explore return **pilot projects with African countries**, drawing from the experience of ongoing return pilot projects in other countries.
  - *Providing comprehensive and developmental packages for safe return and reintegration, whereby a partner country commits to cooperate closely with the EU on return and readmission, and receives support for the individual reintegration of its own nationals, possible visa facilitation and a tailor-made package of support, including on other policy areas.*
  - *Further promoting programmes on assisted voluntary return and reintegration.*

- Cooperation **with countries of origin on addressing** the absence of identification documents – and the absence of civil registry which is often the cause of it - as one of the main difficulties in the application of return and readmission policies.
    - *Provide interviewing and re-documentation support by immigration officials of countries of origin*
    - *Enhance recognition of the EU laissez passer for return purposes.*
    - *Envisage the organisation of a seminar on best practices in the field of return and readmission procedures, including on identification procedures as practiced by EU Member States, the issuing of identification documents, and documentation processing.*
-