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NOTE

From: European Commission and European External Action Service (EEAS)
To: Delegations

Subject: Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Somalia

Delegations will find attached the above joint Commission-EEAS non-paper.



EUROPEAN COMMISSION

Brussels, 16 March 2016
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FROM:	European Commission and the High Representative
TO:	COREPER Ambassadors
SUBJECT:	Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Somalia

Country Fiche proposing possible leverages across Commission-EEAS policy areas to enhance returns and effectively implement readmission commitments.

1. Key Migration Features of Somalia

Somali nationals as migrants in the EU

- In 2015, almost 20 000 Somalis applied for asylum in the EU. Somalia does not cooperate on return and readmission; the average rate of return from the EU in 2014 was 7%. In 2015 there were 17 692 irregular border crossings reported.

Migration situation in Somalia

- Somalia is a country of origin and transit: Migration push factors include insecurity and terrorist activities (Al-Shabaab), poverty and natural disasters. Majority of Somali refugees registered in the region are mainly hosted in Kenya (over 400 000), Ethiopia (over 250 000) and Yemen (over 205 000). Somalia also continues to face one of the largest and most complex protracted displacement situations with 1.1 million internally displaced (around 8% in Somaliland, 12% in Puntland and 80% in the south central regions).
- There are two main migration routes towards Ethiopia, Kenya and other countries in the region: the *southern route*, from Somalia into Kenya, either staying in Kenya or transiting through Kenya destined for South Africa; and the *western route* towards Libya with the intention to access Europe. In 2015, as for the previous years, Somali were among the top nationalities of migrants attempting to cross the Mediterranean. Prior to the conflict in Yemen in March 2015, large numbers of Somali migrants also used the *eastern route*, crossing the Gulf of Aden to Yemen and across the Arabian Peninsula into the Gulf countries. Despite the situation in Yemen, this route is still used though the numbers are lower.

- Following the relative improvement of the domestic situation in Somalia, the return of its nationals from neighboring countries has somewhat increased. Following the 2013 Tripartite Agreement Governing the Voluntary Repatriation of Somali Refugees Living in Kenya between Kenya, Somalia and UNHCR, about 6 000 Somalis returned from Dadaab camp in Kenya in 2015. For 2016, UNHCR projects that up to 50 000 Somali refugees may return.
- Somalia is also a destination for refugees mainly from Ethiopia and recently from Yemen. In 2015, there were nearly 18 000 refugees and asylum seekers in Somalia, most of whom are Ethiopians residing mainly in Somaliland and Puntland. The armed conflict in Yemen led approx. 30 000 people to flee to Somalia since March 2015. More than 26 000 of them are Somalis who had originally sought refuge in Yemen (almost 258 000 Somali refugees in Yemen). Around 4 000 are Yemeni citizens now seeking refuge in Somalia.

2. Relations with the EU

General

- The EU is the single biggest donor to the development of a secure and stable Somalia in line with the New Deal Compact from 2013, employing the full range of its instruments, including through development cooperation, CSDP missions and substantial contributions to African Union Mission in Somalia (AMISOM). Through its heavy investment and active engagement, the EU has gained important political leverage in Somalia. However, a conducive environment to ensure a sustainable return and reintegration of migrants is not yet in place and the absorption capacities of the regional states need to be enhanced. Before any mass-scale voluntary returns can be envisaged, it is of utmost importance that the security situation is stabilized and that prospects for return, i.e. overall improvement of living conditions and job opportunities are in place and coordinated. As for other countries in the Horn of Africa, Somalia is highly vulnerable to climate change. Moreover, the already existing and potential humanitarian consequences of El Nino, have also to be considered. It is therefore critical to address climate change adaptation and resilience, thus addressing one of the root causes of migration.
- Under the 11th EDF National Indicative Programme, Somalia has so far benefitted from EUR 286 million in support; possible additional allocations could be foreseen within the 2016 *ad hoc* review.

Migration

Migration relations EU-Somalia

- At regional level, Somalia is engaged in the Khartoum Process.
- A Regional Committee on Mixed Migration for the Horn of Africa and Yemen has been set up offering a platform for government actors to discuss cross-border issues related to migration. Committee members include officials from Djibouti, Ethiopia, Kenya, Somalia, Somaliland, Puntland, Sudan, and Yemen. Observers include the Intergovernmental Authority on Development (IGAD) and the African Union (AU).

- Locally, there is a regular dialogue mainly on technical issues. The EU Delegation has promoted a more structured forum to discuss migration related issues with all relevant national institutions, implementing partners and donors. Somali counterparts had shown interest in maintaining this forum. Dialogue has not really started on readmissions and the context will limit the scope for such a dialogue in the foreseeable future.

Migration relations EU Member States - Somalia

- N/A

3. Key interests of the country and the EU

Somali interests

- To maintain the level of political and financial support from the international community, notably the EU, which has to be squared with the EU interest in Somalia taking full ownership and responsibility for its security and development. Over the past five years the EU has spent around EUR 1,5 billion to help stabilise and reconstruct the country.
- Keeping the flow of remittances which play an important role in Somalia supporting livelihoods and economic development. The remittance flow accounts for around 50% of Somalia's GNI and 80% of investment in the country. According to the World Bank, 40% of Somalis (or 3,4 million people) rely on remittances to meet their basic needs.
- Migration *per se* does not represent a major priority for Somalia; the regime has an interest, however, in returns of educated migrants from the diaspora, the opening of legal migration channels linked to education opportunities as well as using the issue to raise its profile on the international scene. At the EU-UNHCR co-hosted Conference on Somali Refugees on 21 October 2015 in Brussels, ahead of the Valletta Summit, Somali migration has re-established its importance on the international agenda.

EU interests

- A secure and stable Somalia which is a prerequisite for the stability of the wider Horn of Africa region and beyond.
- Support to the development of a conducive socio-economic and security environment to stem refugee flows and to ensure a sustainable return and reintegration of migrants. Thus, enhancing the absorption capacity of the federal State as well as regional states is key. REINTEG programme under the EU Emergency Trust Fund will contribute to creating conditions for returns.

4. Possible incentives¹:

- Address migration root causes through on-going support to state-building as well as social sectors such as education, increasing food security and building resilience (including from climate change impacts such as drought and floods) in line with the 11th EDF National Indicative Programme for Somalia (EUR 286 million) and possible additional allocations within the 2016 ad-hoc review.
- Opening legal migration channels notably linked to educational opportunities, which is a priority for the Federal Government.
- Support a sustainable and durable re-integration of returnees/refugees and Internally Displaced Persons in Somalia by enhancing Somalia's responsiveness to the management and reintegration of mixed migration flows. To that effect, a EUR 50 million EU Emergency Trust Fund-programme has been adopted aiming at close existing gaps in managing refugee returns from Europe, Yemen and Kenya by providing transportation and ensuring protection; to improve and implement policy and legal framework for Internally Displaced Persons, refugees and returnees, and to increase access to basic services in the main accessible areas.
- Provision of livelihood opportunities to refugees in protracted situations in Kenya when returns to Somalia are not yet possible. A EUR 15 million EU Emergency Trust Fund programme is under preparation.
- Enhance capacities to tackle smuggling of migrants and trafficking in human beings and support capacities for integrated border management.
- Leverage of Schengen visa issuance, within the boundaries of the Visa Code, to be discussed with the Member States;
- Restrictions in bilateral visa exemption agreements for diplomatic and service passport holders, to be discussed with the Member States.

5. Recommendations

- Combination of the EU's important political leverage with the Somali key interest in maintaining the level of political and financial support from the international community; however, in this context, it is important not to push the return of refugees/Internally Displaced Persons before the adequate security situation is in place and access to basic services is guaranteed, not to mention the obligations under International Law to ensure voluntary and dignified return.

¹ No conditionalities can be attached to needs-based humanitarian aid in line with Humanitarian Principles

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- The *ad hoc* review of the National Indicative Programme in 2016 could provide the opportunity of increasing the envelope for Somalia, 2017-20. The mainstreaming of climate resilience and disaster preparedness should also be enhanced. By the end of 2016 allocations for Somalia will have been committed by 100% at decision level.
- Increase the mobility of students, researchers and university staff through the Erasmus+ programme and Marie Skłodowska-Curie Actions.

6. Next steps:

- Given the large number of irregular arrivals in 2015, there is a need to discuss a coherent strategy on irregular migration with Somalia. To this end, a EURINT working group on Somalia will meet in Oslo on 17 March. A number of Member States together with DG HOME are planning an exploratory technical level mission to Nairobi 14-15 April to meet with the Somali representatives and European embassies present on the ground.
- After the bilateral meeting between Commissioner Mimica and the President of Somalia at the HLPF Istanbul 23-24/2 , a political and operational follow up needs to be ensured swiftly to proceed to the launch of a High Level dialogue and including initiatives under the EUTF and elements concerning the wider migration challenge.
