

ACP-EU COTONOU AGREEMENT

**AFRICAN, CARIBBEAN AND
PACIFIC GROUP OF STATES**

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 July 2011

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ACP-UE 2115/11

REPORT

Subject: Report on the dialogue on migration and development

The ACP-EU Council on Ministers endorsed the report on the dialogue on migration and development set out in this document at its 36th session on 31 May 2011 in Brussels.

Report to the ACP-EU Joint Council on the dialogue on migration and development

Background

- 1) In June 2010 the ACP-EU Council endorsed a Joint Declaration on migration and development, in which Parties committed to strengthen and deepen their dialogue and cooperation in the area of migration, based on the three pillars mentioned in the Declaration: migration and development, legal migration and illegal migration. The declaration also envisaged that the Parties would report on the progress of the dialogue at the next Joint Council, i.e. the 2011 Joint Council.
- 2) Underpinned by both Article 13 of the Cotonou Partnership Agreement and by the Joint Declaration, it was understood that this dialogue could lead to a shared understanding that the current Article 13 needs to be updated and further specified. This dialogue should thereby prepare the ground for the next revision of the Agreement.
- 3) The Terms of Reference were thus agreed, laying down the principles and operational aspects of this dialogue.

Outcomes

- 4) The ACP-EU dialogue on migration and development has been fruitful, allowing for a comprehensive and balanced exchange among parties on migration and development issues. During four half-day sessions in Brussels, attended by Ambassadors, officials and representatives of both sides as well as by invited experts, the dialogue covered all relevant priority subjects. The dialogue focused in particular on brain drain, circular migration, readmission, visa issues, smuggling of migrants, trafficking in human beings, migrants' rights and remittances. On every topic, the ACP and the EU side presented their respective views and positions, followed by discussions.

- 5) In the framework of this dialogue the parties identified a series of issues that would require a more in-depth dialogue, in relation to both intra-ACP migration and migration between ACP and EU states. These issues can be summarised as follows:
- a) *Mobility of skilled persons*: data gathering, integration of brain drain concerns in migration policies and national development strategies, recognition of skills and professional qualifications;
 - b) *Legal migration*: labour migration and its links to development, social rights of migrant workers, circular migration, with a focus on launching of pilot projects, pre-departure training, sustainable return and reintegration; and recognition of commitments in the context of Economic Partnership Agreement with respect to service providers;
 - c) *Readmission*: respecting the direct applicability of the Article 13 readmission clause, delays in responding to a readmission request, delays in issuing a travel documents, cooperation on identification of own nationals, reintegration measures for those readmitted, greater incentives for voluntary return, human and social rights of those returned including respect of international protection standards in the return procedures;
 - d) *Visa*: delays and diversity of practice in visa delivery, possibilities of visa facilitation for certain categories of travellers within the current EU legal framework (Visa Code) should not prejudice bilateral agreements between the EU and certain ACP countries;
 - e) *Smuggling of migrants and trafficking in human beings*: possibilities for concrete cooperation; on trafficking, focus on prevention, protection and prosecution;

- f) *Migrants' rights*: exchange of good practices, improve access of migrants to their rights;
- g) *Remittances*: data gathering, enabling regulatory frameworks, transfer cost reduction, valorisation of productive development impact of remittances once primary needs are met, integration of remittances' aspect within national development strategies, financial education of migrants.

Follow-up

- 6) The dialogue should thus continue and be deepened on the basis of the topics identified above. Both sides recognised that the format adopted was appropriate and agreed the dialogue should remain Brussels-based, involving Ambassadors and officials of both sides. In addition, it was considered that specific expert meetings on agreed priority subjects may add further value and concrete results to the dialogue.
- 7) A number of synergies have been identified between this platform for dialogue and the Africa-EU Partnership on Migration, Mobility and Employment. While these fora do not fall under the same institutional or legal framework, synergies should continue to be sought, including when organising technical discussions at expert level.
- 8) Both sides also agreed that the ACP Secretariat and the European Commission would explore the possibility to mobilise appropriate funding in order to secure the involvement of relevant experts and to facilitate the dialogue.

Proposals to Joint Council

- 9) Based on these experiences and considerations Ministers are recommended to:
- a) Continue and deepen the ACP-EU dialogue on migration and development, with a specific focus on the issues identified in paragraph 5, above.
 - b) Commit to reach in the coming 12 months, taking into account the regional context, concrete results (e.g. joint report, joint Council Conclusions) to strengthen the operational aspects of ACP-EU cooperation in the area of (a) visa, (b) remittances and (c) readmission.
 - c) Maintain the current format of the dialogue, further underpinned by expert meetings when necessary.
 - d) Request the ACP Secretariat and the European Commission to prepare a time schedule for meetings in the next 12 months, addressing the priorities identified in this report, and taking account of the agenda of other ongoing dialogues.
 - e) Request the ACP Secretariat and the European Commission to prepare the mobilisation of appropriate funding to facilitate this dialogue, in conjunction with other dialogue frameworks such as the Africa-EU Partnership.
 - f) Request the ACP Secretariat and the European Commission to report about the further progress of this dialogue to the joint Council on an annual basis.
