



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

from:	General Secretariat of the Council
to:	Permanent Representatives Committee/Council
Subject:	Draft Joint Declaration on a Common Agenda on Migration and Mobility between the Republic of Nigeria and the European Union and its Member States

1. In its Conclusions on the Global Approach to Migration and Mobility of May 2012, the Council has identified the Common Agenda on Migration and Mobility (hereinafter 'CAMM') as a new framework which the EU and its Member States may use along the already existing ones, in particular the Mobility Partnerships (hereinafter 'MP'), to develop cooperation in the area of migration with relevant partner countries.
2. As a result of the discussions, which took place in the High Level Group on Asylum and Migration (hereinafter 'the Group'), Nigeria was indicated as a partner country with which negotiations for the establishment of a CAMM could be launched. A draft Joint Declaration for the establishment of a CAMM with Nigeria was considered at the meetings of the Group held on 3-4 June and 16-17 July 2013.
3. Agreement was reached on the text of the draft Joint Declaration, as set out in the Annex to this Note, in view of submitting it to the Nigerian authorities to start negotiations for the establishment of a CAMM.

4. Following the negotiations with the Nigerian authorities, an updated version of the text of the draft Joint Declaration will be submitted to the Group for agreement. The Permanent Representatives Committee and the Council will then be invited to examine and endorse that text prior to the establishment of a CAMM with Nigeria.
 5. The Permanent Representatives Committee is invited to take note of the text of the draft Joint Declaration for the establishment of a CAMM to be negotiated with Nigeria as set out in the Annex to this Note.
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Draft Joint Declaration
on a Common Agenda on Migration and Mobility between the
Republic of Nigeria and the European Union and its Member States

The Republic of Nigeria and the European Union, and the participating Member States of the European Union, (hereinafter referred to as "the Signatories");

RECALLING the EU-Nigeria reinforced Political Dialogue in the context of the EU Nigeria Joint Way Forward, and in particular the Ministerial Meeting of 16 May 2013 held in Brussels, where the parties committed to explore options to reinforce the current framework of cooperation in the area of migration and mobility;

BUILDING on the annual EU-Nigeria Dialogue on Migration and Development established in 2008 and the positive results it has yielded so far, and more particularly on the conclusions of the dialogue held the 20th of March 2013 in Abuja;

RECALLING the working arrangement concluded between Nigeria and the EU External Borders Agency (FRONTEX) on 19 January 2012;

RECALLING the development cooperation programmes in the area of migration (Migration Management Development cooperation project, financed by the 10th European Development Fund and other All ACP projects);

RECALLING the relevant regional frameworks for cooperation and dialogue, in particular the Strategic Partnership between the African Union and the European Union and in particular the Partnership for Migration, Mobility and Employment, the Euro-African Dialogue for Migration and Development (the Rabat Process) and the ACP-EU Dialogue on Migration and Development, based on Article 13 of the Cotonou Agreement;

STRESSING the benefits and opportunities that well-managed migration and mobility can bring to both migrants and the Signatories and their shared commitment to ensure a better management of migration flows between Nigeria and the European Union;

REAFFIRMING their will to prevent and combat irregular immigration in accordance with applicable international standards and STRESSING the relevance of voluntary return schemes and reintegration to achieve this goal;

ACKNOWLEDGING the shared interest of the EU and Nigeria in further exploring possibilities for cooperation concerning the return of persons residing without authorisation;

RECALLING the firm commitment of both parties to continue preventing and combating trafficking in human beings and to better protect and support the victims;

ACKNOWLEDGING the importance of strengthening the capacities of the relevant Nigerian services involved in the management of migration flows;

STRESSING the importance of the volume of remittances transferred to Nigeria and its potential for development;

ACKNOWLEDGING the shared interest of the EU and Nigeria to continue their general dialogue as regards visas and explore possibilities to improve their cooperation within their respective legislative frameworks;

ACTING without prejudice to the competences of the EU and of the EU Member States as laid down in the Treaty on the Functioning of the European Union;

RECALLING the EU Global Approach to Migration and Mobility, adopted by the Council of the European Union on 29 May 2012, [*add possible reference to comparable policy frameworks of the Government of Nigeria and ECOWAS*];

RECOGNISING the existing migration-related bilateral agreements and arrangements between Nigeria and several EU Member States;

HAVE DECIDED to establish a Common Agenda on Migration and Mobility (CAMM). The EU-Nigeria CAMM will be based on partnership and reciprocity, and provide a framework for agreeing on joint objectives and actions as well as common recommendations with a view to better organising legal migration, fostering well-managed mobility, preventing and combating irregular migration, tackling trafficking in human beings, promoting international protection, and maximising the development impact of migration and mobility, while respecting human rights and international norms regarding persons in need of international protection and internally displaced persons as applicable to the Signatories, and taking account of the perspective of individual migrants as well as the socio-economic situation of the Signatories.

ENDEAVOUR, to this end, to further develop their dialogue and cooperation on migration and mobility, in particular along the following lines:

Priority areas

1. Work towards a better management of migration and mobility, supported by an improved knowledge base of migration flows of all kinds between Nigeria and the EU, while ensuring the human rights of migrants, serving the interests of, and taking account of the respective competences of the Signatories, and concentrating on the following four priority areas:
 - better organising legal migration and fostering well-managed mobility;
 - preventing and combating irregular migration and tackling trafficking in human beings;
 - maximising the development impact of migration and mobility;
 - promoting international protection.

Dialogue, recommendations and actions

2. Hold dialogue at high level as well as working level in order to exchange information and views on legislation, policies and best practices and continuously explore possibilities for concrete cooperation, make policy recommendations, and gradually develop actions in any of the four priority areas.
3. In relation to the priority area of **legal migration and mobility**, through dialogue, recommendations or actions, address issues, such as:
 - supporting evidence-based research, which underpins the dialogue and cooperation between the Signatories, and with a view to making relevant and innovative policy recommendations;
 - supporting Nigeria's capacity to collect and analyse information and statistics on legal migration (including the flows between the EU and Nigeria);
 - enhancing the efficiency and security of respective procedures for entry, residence and registration, within the possibilities offered by their respective legislative frameworks;
 - building legal and administrative capacity to monitor and manage migration, *inter alia* through appropriate policy and legislative tools and the development of human resources;
 - exploring possibilities to enhance the mutual recognition of foreign qualifications;
 - developing programmes and policies supporting the integration of Nigerian citizens regularly residing in the EU (notably through language skills and civic orientation);
 - exploring possibilities for enhanced mobility and exchange of students and researchers;
 - exploring possibilities to improve the procedures for issuing of visas within the respective existing legislative frameworks of the Signatories.

4. In relation to the priority area of **irregular migration and trafficking in human beings**, through dialogue, recommendations or actions, address issues, such as:

- supporting evidence-based research, which underpins the dialogue and cooperation between the Signatories, and with a view to making relevant and innovative policy recommendations;
- supporting Nigeria's capacity to collect and analyse information and statistics on irregular migration and undertake risk analysis regarding irregular migration flows and routes between the EU and Nigeria;
- improving relevant legislation and its implementation;
- building capacity in border management and prevention of irregular migration, inter alia through the development of human resources within the relevant Nigerian services;
- reducing visa overstay;
- supporting Nigerian authorities to preventing irregular migration and to prevent and combat trafficking of human beings (THB);
- supporting Nigerian authorities in improving the protection of and support to THB victims and their reintegration, notably in cooperation with non governmental organisations;
- strengthening interagency cooperation, coordination and exchange of information both within Nigeria and between Nigeria and the EU;
- supporting Nigeria in improving its cooperation in the field of border control and THB with other countries within Western Africa;
- improving travel document security, including through biometrics, and strengthening capacity to detect forged and falsified documents;

- exploring possibilities for engaging in cooperation on the return of irregular migrants in a safe and secure environment, and to this end, developing programs of voluntary return and reintegration in Nigeria;
- increasing speed and efficiency of procedures for returning and receiving irregular migrants, especially with regard to the identification of own nationals and the swift issuance of travel documents required for return, while safeguarding respect for human rights, including through the conclusion of readmission agreements.

5. In relation to the priority area of **migration and development**, through dialogue, recommendations or actions, address issues, such as:

- supporting research – *inter alia* on root causes of all forms of migration between Nigeria and the EU, and including the update of Nigeria's Migration Profile – which underpins the dialogue and cooperation between the Signatories, and with a view to making relevant and innovative policy recommendations;
- harnessing the contribution of migrants to the economy of destination countries as well as countries of origin;
- facilitating the flow of remittances the reduction of their transaction costs and their development effect while tackling their abuse;
- supporting diaspora networks and the integration of regular migrants in the interest of development of countries of origin and destination;
- mitigating the social consequences of migration for countries of origin including consideration of circular migration and the balance between brain drain and brain gain;
- optimising the benefits deriving from return migration.

6. In relation to promoting **international protection and internally displaced persons**, through dialogue, recommendations or actions, address issues, such as:

- supporting the implementation of a national asylum system in Nigeria in accordance with international standards, notably the United Nations Convention and Protocol relating to the status of refugees and the African Union Convention governing the specific aspects of refugee problems in Africa;
- supporting the effective implementation by Nigeria of the African Union Convention for the protection and assistance of internally displaced persons in Africa;
- building administrative capacity for the reception of applicants for asylum as well as for the identification of persons in need of international protection;
- improving the capacity of Nigeria to collect and analyse information and statistics regarding flows of persons in need of international protection from and to Nigeria;
- sharing of information on practices and concepts, related legislation and transposition of applicable international norms regarding international protection of those in need and internally displaced persons with a view to enhancing mutual knowledge of respective protection systems and challenges;
- strengthening cooperation with international organisations such as UNHCR and other relevant agencies, including of the EU;
- meeting the specific needs of unaccompanied minors and other vulnerable groups who are internally displaced or in need of international protection.

Framework for cooperation

7. Confirm that a Common Agenda is an open ended, flexible framework for cooperation of mutual interest to the Signatories based on the principle of voluntary participation of interested EU Member States, the overall steering of which will be provided by the EU-Nigeria High Level Dialogue on Migration and Mobility that will hold annual meetings alternating between Brussels and Abuja, supported in this task by the EU-Nigeria Local Dialogue on Migration and Mobility based in Abuja.
8. Note that actions may be undertaken with Nigeria at EU level, between Nigeria and individual, or groups of Member States, and between Nigeria and agencies of the EU – such as Frontex, Europol, and the European Asylum Support Office (EASO) – or of the Member States.
9. Note that these actions are to be included and described in an Annex to this Joint Declaration drawn up and regularly reviewed in the context of the EU-Nigeria Local Dialogue, listing also the participating Member States.

Done in on

Nigeria

the European Union