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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Valletta Conference on Migration (Malta, 11-12 November 2015) - Orientation debate

With a view to the orientation debate of the Permanent Representatives Committee on 1 July 2015, Delegations will find enclosed at annex a note issued under the responsibility of the Cabinet of the President of the European Council, in close cooperation with the European External Action Service and the Commission services.

Valletta Conference**(Malta, 11-12 November 2015)****COREPER ORIENTATION NOTE****I. Introduction**

The tragic incident in the Mediterranean on 19th April, in which again hundreds of migrants lost their lives, called for immediate action by the European Union. On 23 April, the European Council held a special meeting on the migration situation in the Mediterranean and adopted a Statement in which EU leaders decided: to strengthen the European presence at sea, to fight smugglers and traffickers in accordance with international law, to prevent irregular migration flows and to reinforce internal solidarity and responsibility. Key actions identified by the European Council to prevent irregular migration flows included: increasing support to key countries to monitor and control the land borders and routes; building on existing regional cooperation frameworks (Rabat and Khartoum processes); using all available tools to implement readmission agreements and to promote readmission of unauthorised economic migrants, as well as stepping up dialogue with the African Union and key countries, including through the holding of an ad hoc Summit **in Valletta**.

The European Commission Communication on a European Agenda on Migration presented on 13 May defined the main pillars of a comprehensive EU approach to Migration and further elaborated on this, referring to a dedicated summit with key partners, including the African Union, to develop a common approach with the region, addressing the protection of people in need, including the issue of smuggling and trafficking of people, and causes of irregular migration. Moreover, the ongoing review of the European Neighbourhood Policy, aimed at setting out proposals in close partnership with partner states having a crucial stake in the migration debate, is an opportunity to streamline EU policies in this respect.

Two key documents are proposed for adoption at this Summit: 1) a **political declaration** underlining the decision of the parties to forge stronger partnerships on migration at country and regional level, with the highest possible level of ownership and commitment of the countries of origin, transit and destination in the spirit of partnership, shared responsibility and cooperation required to face current and future migration and mobility challenges; 2) an **outcome document** providing a review of ongoing and already planned actions, as well new priority actions to address migration. The outcome document will have in annex an action plan matrix (what, who and when) structured along the action clusters listed in paragraph III of this note.

- a) The European Council held a discussion on migration issues on 22 June 2015.
- b) The EU Foreign Affairs Council (FAC) will hold further discussions on the matter on 12 October 2015 (TBC).

II. Context

The challenges posed by migration need to be addressed in close partnership by all the countries concerned, along with regional organisations such as the African Union. The Summit will bring together the **leaders of the most concerned countries of origin, transit and destination** as well as regional organisations to identify, agree and launch actions to jointly address immediate and long term migration challenges as well as to reinforce the current mechanisms to implement and follow up high level political decisions on migration. Therefore, the aim is to invite the Heads of State and Government of the European Union Member States and of the countries parties to the Khartoum Process and the Rabat Process, as well as the African Union Commission and the ECOWAS Commission.

Libya is central to irregular migration to Europe but its participation to the summit will depend on the evolution of its internal political situation.

The United Nations Secretary General will be invited along with the most relevant UN agencies dealing with migration (e.g. the UNHCR). The International Organization for Migration (IOM), as the leading international organisation in the field of migration, will also be invited.

Logistically, in order to match the capacity of the facilities available, approximately **85 delegations** (format **one plus four**) will be invited to be present at the conference itself.

With regard to the date, the 11th and 12th November have been informally communicated to key African partners, and do not pose any specific difficulties.

An outline, indicative and preliminary, programme of the Valletta Conference is provided below, and is subject to change depending on discussions:

Day -1	
Morning	Possible Senior officials meeting to finalise outcome documents
Afternoon	Start arrival of Heads of State/Government
	Possible working session
Evening	Dinner
Day 2	
Morning	Working session
Afternoon	Adoption of outcome documents
	Press conference
	Departures

III. Key Objectives / Planned deliverables

Addressing the tragedy unfolding in the Mediterranean is in the shared interest and responsibility of all countries in Europe, around the Mediterranean and of origin and transit of irregular migration flows. The first priority is to save lives and to prevent further loss of life as well as to stop the exploitation of vulnerable migrants. The EU is committed to play its role and to a comprehensive approach addressing all migration related issues, including the immediate humanitarian emergency as well as the causes of situations which have roots in realities beyond the Mediterranean shores, including poverty, economic and political instability, human rights violations and often conflicts. More hope and opportunities must be created in the countries of origin through work on peace, stability and development with innovative and long-term responses alongside and beyond the humanitarian approach. This will also require stronger and more effective partnerships through measures that can reduce the incentives for irregular migration. The Post-2015 Development Agenda, due to be adopted at the UN Summit on 25-27 September, contains many elements to plan joint actions to address the root causes of irregular migration.

The Summit will bring together the leaders of the EU Member States, EU Institutions and countries parties of the Khartoum Process and the Rabat Process as well as the African Union Commission and the ECOWAS Commission to identify, agree and launch **actions** to address immediate and long term migration challenges as well as to reinforce the current mechanisms to implement and follow up high level political decisions on migration.

The draft agenda and the summit outcome document could be structured around the following clusters, drawing on elements of the external dimension of the migration agenda identified in the Global Approach on Migration and Mobility and the European Agenda on Migration:

- 1. Cooperation with third countries on legal migration and mobility** at continental, regional and bilateral level (intensified political dialogue at all levels on these issues; taking forward joint work on organising and facilitating legal migration and well-managed mobility - including at regional level - and better coordination and cooperation with partner countries; support to comprehensive national strategies on migration and mobility);

2. **International protection and asylum** to ensure protection of migrants and asylum seekers along the entire migratory route, with particular attention to vulnerable groups, such as unaccompanied minors and women (actions that countries of origin and transit can take to build up and reinforce protection capacities and what the EU can do to support them);
3. **Prevention of and fight against migrant smuggling and trafficking of human beings** (actions that countries of origin, transit and destination can take to prevent and to counter irregular migration, including by fighting the smuggling of migrants and trafficking in human beings in compliance with the EU Action Plan against Migrant Smuggling and Strategy on Trafficking of Human Beings; strengthening operational cooperation on crime investigation and prosecution, border management, and anti-corruption);
4. **Making progress on return and readmission agreements** (actions for both the EU and the countries of origin to facilitate returns of irregular migrants, with particular attention to assisted voluntary return and integration and the establishing of readmission agreements with countries of origin);
5. **Maximising development benefits of migration and tackling the root causes of forced displacement and irregular migration**

On the basis of a swift and thorough identification of the root causes for each of the key countries:

- 5.1. **Investing in development** (mainstreaming migration into development policies and programmes as well as into national and regional development strategies; encouraging countries of origin to strengthen policies and actions to provide better economic and social opportunities to their people including employment opportunities; strengthening democratic governance, respect of the rule of law, human rights and freedoms and what the EU can do in support of countries of origin; strengthening resilience of these countries and supporting actions for delivery of basic services; joint action to ensure follow-up and delivery on migration-related elements of the Post-2015 Development Agenda);
- 5.2. **Addressing instability and crises** (pursue jointly actions to prevent, reduce or resolve the conflicts generating internal displacement and refugee flows, in full respect of human rights).

As to the reinforcing cooperation mechanisms to monitor follow-up of high level political decisions on migration, the Rabat and Khartoum processes, the Mobility Partnerships with individual countries and the Migration and Mobility Dialogue with the African Union provide examples of good cooperation and coordination mechanisms among countries of destination, transit and origin, regional organisations and the African Union. Leaders at the Valletta Conference will assess current coordination and delivery mechanisms and, if necessary, propose measures to reinforce and make them more efficient and effective.

The Summit will be used to create stronger partnerships at country and regional level, to review ongoing and planned actions concerning migration, and to agree on new priority actions to ensure the highest possible level of ownership and commitment of the countries of origin, transit and destination in the spirit of partnership, shared responsibility and cooperation required to face current and future migration challenges. Given the mixed responses to recent EU positions on this topic, **it will be crucial to ensure that a strategic approach is adopted when communicating its outcomes.**

IV. Next steps

The following is the timeline of key internal EU preparatory phases/mechanisms to ensure the preparation of the summit:

- a) President Tusk, in cooperation with President Juncker and the HRVP, appointed on 16th June 2015 Ambassador Pierre Vimont as his personal envoy for the Valletta Conference. Ambassador Vimont, former SG of the EEAS, will lead the preparations for the Valletta Conference in particular to ensure coherence in the EU's preparatory process.
- b) The European Council on 25-26 June provided further guidance on preparatory actions taken and planned;
- c) A COREPER orientation debate, informed by this paper, will be held on 1st of July during which working parties will be tasked and leads will be established;
- d) The "Friends of the Presidency" will meet under the authority of the High Level Working Group on Migration and Asylum (HLWG) in order to assist COREPER in bringing together all different strands of work in the Council and it will directly report to COREPER. It will be co-chaired by the rotating Presidency and a representative of the High Representative;
- e) COREPER is expected to revert to the preparations of the Summit early in October.
- f) The Council Working Groups COAFR, MAMA, CODEV, SCIFA, HLWG, and PSC, will be regularly informed, and/or consulted as applicable, by the Presidency, the EEAS and the Commission services on progress made within the EU institutions and with the partner countries invited to the Summit (July – October);
- g) As regards the Council, a discussion on the status of preparation of the Summit will take place on 12th October. Final strategic steer/guidance will be given to possible pending aspects/steps (TBC).

The following coordination and information mechanisms will be utilised for the preparation of the summit at service working level and vis-a-vis the partners attending the summit:

- 1) Outreach action with the main partner countries to seek their views on key principles, objective and deliverables, and co-chairing arrangements, preliminary programme, coordination mechanisms, etc. (EEAS through EU Delegations)
- 2) Inter-institutional Steering Committee, and virtual Summit team;
- 3) Senior Officials Meeting to continue advancing the preparations of the Summit and the negotiation of texts.
- 4) Alternatively, or additionally, to the above a "core group" including the EU organisers and representatives of African countries expected to play a prominent role in the preparation and holding of the Summit (such as Morocco, Egypt the AU Commission and the ECOWAS Commission) will be set up to more swiftly advance preparations of the Summit, negotiation of texts and feedback from other participants;
- 5) Possible Liaison through Embassies in Brussels;
- 6) Liaison through EU Delegations;
- 7) Possible Senior Officials Meeting immediately before Summit.

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COREPER is invited to discuss the preparation of the summit on the basis of this note, to provide its views on the key objectives and themes identified, and orientations on outstanding issues. The COREPER discussions will provide input for the negotiation of the summit outcome documents and agenda.
