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**Council of the
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NOTE

From: European Commission and European External Action Service (EEAS)
To: Permanent Representatives Committee

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

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



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 Sudan

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

1. Key Migration Features of Sudan

Sudanese nationals as migrants in the EU

- In 2015, nearly 10000 Sudanese crossed irregularly into Europe, primarily through the Central Mediterranean route. The EU asylum recognition rate is relatively high for Sudanese, at 55% (provisory data), while the return rate for those who do not have the legal basis to stay in the EU is particularly low (12% compared to 40% average) pointing to a complete lack of cooperation on **readmission** from the Sudanese side. The return rate has to be enhanced by improving the cooperation on identification and issuance of emergency travel documents and offering the Sudanese authorities capacity building measures within the remit of the newly established Readmission Capacity Building Facility. It is important that the EU level and the Member States policies go hand-in-hand on this issue.

Migration situation in Sudan

- **Country of origin, destination and transit** at the centre of the migrant-smuggling route linking the Horn of Africa and East Africa with Libya and Egypt. Trafficking, kidnapping and smuggling of persons are major concerns; particularly acute in peripheries where internal conflicts created a vacuum of lawlessness and destitution; notably Darfur and East Sudan (reports of collusion from authorities). The country hosts 375 000 refugees/asylum-seekers and 3.1 million Internally Displaced Persons (UNHCR).
- **Conflicts in South Kordofan, Blue Nile and Darfur** are ongoing; and there has been limited progress to solve internal conflicts and to engage in meaningful National Dialogue. Situation compounded by low respect for human rights (HR) and general lack of accountability. Social conditions and the overall economic situation are deteriorating.

2. Relations with the EU

General

- **Difficult EU-Sudan relations** marked by ICC indictment of Pres Bashir and limited by Cotonou non-ratification. No economic, trade (EPA) dialogue. EU remains a main provider of direct assistance to the population, but faces obstacles in terms of access (including closure of NGO vital for providing lifesaving assistance to hundreds of thousands Sudanese). The EU should carefully consider the high reputational risk associated with its engagement with Sudan if exclusively focused on migration.

Migration

Migration relations EU-Sudan

- At regional level, Sudan is playing a constructive role in the context of the Khartoum Process. The country volunteered to host the first thematic meeting of the process, on human trafficking and people smuggling, to be held in May 2016.
- Locally, dialogue on migration at technical and more political level takes place regularly.
- First bilateral between Sudanese Minister of Foreign Affairs (MFA) Ghandour and HRVP held in Valletta, followed by a High Level Dialogue between Sudanese MFA and HRVP / Commissioner Avramopoulos on 16 February in Brussels. At the latter meeting, Sudanese MFA showed positive attitude on cooperation on migration, and expressed a strong interest for border management and the Sudan component of the Regional Development and Protection Programme (RDPP) for the Horn of Africa.

Migration relations EU Member States - Sudan

- N/A

3. Key interests of the country and the EU

Sudanese interests

- **Raising its international profile:** while migration does not represent a major priority for Sudan, the regime sees cooperation on the issue as an entry point to raise its profile and gain legitimacy on the international scene: recognition of stabilising role in Horn of Africa/South Sudan, Red Sea, and Libya.
- Sudan also wants to increase cooperation on countering violent extremism and **counter-terrorism**. It has strong concerns about security (Libya/Daesh).
- Sudan seeks to **reintegrate into the international economy**. In this context, debt relief and easing of sanctions are key demands and most persuasive leverage.
- **Increase level of assistance:** Following Valletta Summit, expectations in terms of funding are high; strong appeal for more funds earmarked exclusively to Sudan in tackling migration but also in the broader development sense.

- Sudan will welcome assistance on (1) border management, (2) capacity building for national authorities, (3) regional international cooperation – regional training centre - and (4) assistance to refugees, asylum seekers and host communities.

EU interests

- Migration cooperation is an **opportunity for a renewed political dialogue** in areas of common interest, especially regional stability. Sudan being a major hub for migration, the dialogue is an opportunity to encourage measures tackling root causes of migration, cooperation on readmission and reducing the migrant smuggling/trafficking routes linking the Horn of Africa/East Africa to Egypt and Libya. In broader context, strengthen political relations in areas of common interest.
- The emerging security challenges in the region (radicalisation, growing irregular migrant's influx, Libya, influence of the Gulf States/Red Sea) warrant to explore new avenues of dialogue. It is also an entry point to create some leverage on "internal affairs" (national dialogue and human rights) while concrete results may prove difficult to reach without wider international pressure and engagement.
- Given its strategic position and possible role on migration, a stable Sudan is of key interest for the EU. In this context, the ongoing internal conflicts and HR violations remain of concern. **EU priority** is thus to support efforts towards a holistic and inclusive political solution in Sudan. More specifically on **migration**, much closer and effective cooperation is needed, in particular on return and readmission, fighting trafficking and smuggling¹, and increasing Sudan's capacity to reduce onward movements to Europe.
- In the **short term**, the EU interest is four-fold: 1) cooperation on the Regional Development and Protection Programme (RDPP), 2) enhancing joint action on trafficking and smuggling and encouraging a stronger role for Sudan in the Khartoum Process 3) launching a dialogue on readmission, and 4) creating a stable and conducive economic and social environment, while enhancing the ability to tackle the negative effects of climate change and building resilience, including to the immediate effects of El Nino. This will allow to maintain in Sudan its own population at risk of migrating and to host migrants from the region.

¹ This goes hand-in-hand with prevention of drugs and weapons smuggling, as these networks are in fact the same

4. Possible incentives²

(1) Measures that have an impact in the immediate/short term

- **Intensify political dialogue** by passing coherent political messages at the EU and Member States level. Recognising Sudan's efforts and the wish to deepen cooperation. The central part memorandum should be, however, a clear commitment of the Sudanese side to cooperate on return and readmission as well as to step up the fight against smugglers.
- **Invest in development:** EUR 100 million package for 2016/2017 to strengthen resilience of population in Sudan's peripheral areas and conflict areas, including to the impacts of climate change, and to tackle poverty, marginalisation and exclusion, which are at the roots of conflict, radicalisation, irregular migration and criminality. With this bottom-up approach, the EU aims at supporting conflict management to contribute to peace and improve stability at subnational level.
- Improve capacity to **provide effective international protection and increase livelihood opportunities for refugees and refugee-hosting communities** through RDPP for the Horn of Africa, which will focus mainly on the Eastern part of the country where the refugee camps are established, as well as on Khartoum, which is the most populated urban refugee-destination area.
- Enhance capacities to **tackle smuggling of migrants and trafficking in human beings**, including developing capacity to adopt and implement new legislation. Current programs include "Support to Africa-EU Migration and Mobility Dialogue" (EUR 17.5 million, Pan-African Programme), "Addressing Mixed Migration Flows in Eastern Africa (EUR 6 million, DCI GPGC) and "Better Migration Management in the Horn of Africa" - Khartoum Process (EUR 40 million, EU Emergency Trust Fund).
- Strengthening **border management** on the border between Sudan and Libya once a Government has been established there. This could also be explored for East Sudan/Eritrea.
- **Increase the mobility** of students and university staff through the Erasmus+ programme and Marie Skłodowska-Curie Actions.
- **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.

² No conditionalities can be attached to needs-based humanitarian aid in line with Humanitarian Principles

(2) Measures that have an impact in the medium term

- **Debt relief:** The future of Sudan's economy is contingent on debt relief. The EU and its MS hold the largest share of Sudan's external debt. The EU could engage MS towards the resumption of international dialogue on debt relief pending substantial progress.
- **Trade/Facilitation of WTO accession negotiations:** EU MS are important trade partners and have sponsored bilateral economic conferences. Despite WTO accession request in 2004, technical work came to a halt in 2009. This process depends mainly on political will and internal capacity. The EU could support the resumption of the technical work.
- **Ease of (US) economic sanctions:** The EU could explore EU business interest and the feasibility to trade and carry out financial transfers with Sudan. Exemptions touch sectors essential for Sudan's economic survival, such as agriculture.
- Strengthen the cooperation on **counter- terrorism**. Enhance EU-Sudan counter terrorism dialogue and advocate with the US for the removal of Sudan from the list of **states sponsoring terrorism**.

5. RecommendationsShort summary

- The EU should carefully consider its reputational risks in its engagement with Sudan (ICC indictees in the country, ongoing violent conflicts, lack of political space and widespread human rights violations, US sanctions due to Sudan's status as a “state sponsor of terrorism”). The EU has so far limited its engagement with the country, notably by channeling assistance through non-governmental means.
- Moreover, The EU should adopt a realistic step by step approach testing Sudan's political will and seriousness in tackling mixed migration flows. Progress on the internal situation will be key in addressing such challenges. A financial package can alleviate tensions and create better prospects for populations (thereby reducing secondary movements), but leveraging structural reforms will require support by MS and a strengthened dialogue with the US.

Recommendations

- Discuss with EU Member States the way forward on engaging politically with Sudan in the migration area, to ensure the passing of coherent political messages. On this basis, intensify political dialogue recognising Sudan's efforts and the wish to deepen cooperation while demanding a clear commitment of the Sudanese side to cooperate on return and readmission as well as to step up the fight against smugglers.
- The EUR 100 million Special Measure for Sudan, as well as RDPP actions, should progress. Enhancing capacity to tackle smuggling of migrants and trafficking in human beings should also be prioritized, notably through existing programmes.

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- Further positive incentives (such as discussions on ease of US economic sanctions, debt relief, effective cooperation on counter-terrorism), could be provided to promote effective cooperation on return and readmission and fight against smuggling. If cooperation is not effective, discussions with EU Member States could be initiated on possible visa restrictions.
- Possibilities to strengthen border management should be explored but carefully assessed against reputational risks and risks of diversion by the Government.

6. Next steps

- **EEAS/EC joint fact-finding mission on migration, including return and readmission as well as fight against smuggling** (first half of 2016).
 - **Visit of Commissioner Mimica to Sudan** (4-6 April 2016).
 - Further to ongoing mapping of EU+MS activities in the field of migration, identify EU+MS funding possibilities, as well as **gaps and human resources to support the package**.
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