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JOINT AFRICA-EU DECLARATION ON MIGRATION AND DEVELOPMENT

TRIPOLI, 22-23 NOVEMBER 2006

Final Version

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MINISTERS FOR FOREIGN AFFAIRS, MINISTERS RESPONSIBLE FOR MIGRATION AND MINISTERS RESPONSIBLE FOR DEVELOPMENT FROM AFRICA AND EU MEMBER STATES AND AU AND EC COMMISSIONERS AND OTHER REPRESENTATIVES GATHERED IN TRIPOLI AT THE KIND INVITATION OF THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA FROM 22-23 NOVEMBER 2006,

RECOGNISING that the fundamental causes of migration within and from Africa are poverty and underdevelopment, aggravated by demographic and economic imbalances, unequal terms of global trade, conflicts, environmental factors, poor governance, uneven impact of globalisation and humanitarian disasters;

ACKNOWLEDGING that migratory movements occur essentially within Africa and also towards developed countries and that every country has become either a country of origin, transit or destination or a combination of the three;

EMPHASISING the need to work together in the spirit of mutual partnership for better management of migration for our two continents in a comprehensive, integrated and holistic manner;

RECOGNISING that the effective protection of the rights of migrants, including those of female migrants and children is one of the major components of managing migration which requires stringent application of the relevant provisions of the human rights instruments, particularly those relating to migrants and that management of illegal or irregular migration should not compromise human rights;

EMPHASISING the need to ensure effective protection for refugees and internally displaced persons, including due access to asylum processes;

RECOGNISING that illegal or irregular migration cannot be addressed by security considerations only but should be based on broader development frameworks and on mainstreaming migration in development strategies;

REAFFIRMING that the prevention and control of illegal and irregular migration must be strengthened in a cooperative and comprehensive way and that all EU and African countries have a duty to cooperate fully;

AGREEING that well-managed migration can promote closer ties between countries of origin, transit and destination, help meet existing and future labour needs and contribute to the development of all countries;

AGREEING that well-managed migration is of benefit to both Africa and the EU and, within the wider EU-African partnership, can help with the achievement of the Millennium Development Goals;

RECOGNISING that approaching migration as a common challenge for Europe and Africa, for which solutions can best be found together and also that meeting the concerns and interests of countries of origin, transit and destination alike, as well as the migrants themselves is an essential part of migration management;

RECOGNISING that selective migration approaches in developed countries could constitute an additional threat to African social and economic development and **CONCERNED** about the loss of heavy investments made by African Governments in training and human resource development in priority sectors and the negative impact of the brain drain on these sectors;

UNDERLINING the necessity to encourage skilled workers to remain in Africa in order to contribute to the attainment of the Millennium Development Goals (MDGs);

BEARING IN MIND that pro-poor economic growth through productive investments, trade, employment, labour migration and effective social and economic policies can help reduce migration;

CONSCIOUS of the huge economic developmental potential which exists in Africa particularly in the agricultural, industrial and service sectors;

UNDERSCORING the importance of various African development initiatives such as AU's NEPAD programmes which contribute to the solution of many of the root causes of migration, in promoting socio-economic development (human resource development including reversing the brain drain), good governance and the Ouagadougou Extra-ordinary Summit Declaration and Plan of Action on Employment and Poverty Alleviation;

RECALLING commitments made by the EU and its Member States towards Africa's development in general and towards Africa's capacity to better manage migration for development, including the December 2005 European Council conclusions on the 'Global Approach to Migration: Priority actions focusing on Africa and the Mediterranean';

UNDERSCORING that African inter-state cooperation and dialogue can strengthen the capacity of States in migration management including the development of common approaches towards harmonisation of policies, laws and strategies on migration;

RECALLING the decision of the 1st Ordinary Session of the AU Executive Council held in July 2002 in Durban, South Africa that called for the involvement of the African Diaspora in the programmes of the Union and **FURTHER RECALLING** the July 2003 Maputo Summit decision which amended the Constitutive Act to provide for the participation of the African Diaspora in the building of the AU;

RECALLING that the AU Assembly of Heads of State and Government in Khartoum, Sudan from 23-24 January 2006 expressed its concern over the magnitude and impact of migration on development and over the growing number of migrants in Africa and beyond, and the brain drain syndrome, particularly towards the developed countries;

RECALLING the recommendation of the 23rd Assembly of Heads of State and Government of Africa and France in Bamako on 03 and 04 December 2005 inviting Member States to conclude agreements or conventions on border management, residence conditions and the granting of work permits;

RECALLING the commitments such as those announced in the plan of action adopted at the Africa-Europe Summit held in Cairo on 3 and 4 April 2000;

RECALLING the importance that State parties attach to existing agreements for example the Cotonou Agreement and Euro-Mediterranean Agreements. **RECALLING** also the importance that State parties attach to UN Conventions and other international instruments such as the UN Convention on the Rights of Migrant Workers and their families;

WELCOMING the African Common Position on Migration and Development adopted in Algiers, Algeria from 3-5 April 2006 to enable Africa to ensure that Africa's concerns are properly reflected at the Africa/Europe dialogue and other international fora as endorsed by Banjul AU Assembly of July 2006 ;

NOTING THE IMPORTANCE OF:

- The outcome of the UN General Assembly High Level Dialogue on Migration and Development;
- The outcome of the Euro-Africa Ministerial Conference on Migration and Development held in Rabat on 10-11 July 2006;
- The EU strategy for Africa adopted in 2005, and the shared commitment to work towards a joint EU-Africa Strategy for Africa;
- The shared commitment to convene the 2nd Europe -Africa Summit in Lisbon in 2007;
- The ongoing Euro-Mediterranean dialogue on Migration and the Ministerial Meeting to be organised in 2007

HEREBY:

Commit to a partnership between countries of origin, transit and destination to better manage migration in a comprehensive, holistic and balanced manner, in a spirit of shared responsibility and cooperation;

Agree that the partnership between the EU and Africa consists of a broad set of political commitments and concrete actions that are based on a common understanding of the opportunities and challenges that migration brings, and that appropriate policy responses can best be found together;

And agree to start taking the following measures within the framework of our common efforts, and where in line with national and regional policies, to address, within the framework of partnership for development, the migration phenomenon and the opportunities and challenges posed by it in the following key areas for cooperation:

1. Migration and development

- Considering how migration issues can be made an essential part of poverty reduction strategies (PRSPs) or other national development and co-development strategies of African countries;
- Agreeing that well-managed migration can have a positive development impact for countries of origin, transit and destination;
- Creating and sustaining societies where citizens, in particular the youth, can build a future;
- Considering mechanisms and channels that facilitate circular migration as well as recruitment policies that take into account the specific needs of countries of origin and destination;
- Addressing the root causes of migration and refugee flows, including through efforts aimed at eradicating poverty and realising the Millennium Development Goals and NEPAD objectives, focusing especially on improving the living conditions and livelihoods of the poorest, including resolving and preventing conflict;
- Encouraging and promoting Foreign Direct Investment in order to generate employment and reduce migration outflow;
- Effectively addressing the root causes of migration and notably the lack of employment through better targeted development policies, as well as by ensuring that policies in the area of trade, agriculture and fisheries produce a positive impact on the socio-economic situation of African countries;
- Supporting RECs and the process of regional economic cooperation and integration in Africa as one of the effective means of ensuring economic growth and combating poverty;

- Supporting, as need be, African countries to ensure intra-African freedom of movement of labour and migratory flows in the spirit of the Abuja Treaty;
- Facilitating the role of diasporas in order to contribute to the sustainable development of their countries of origin through, for example, supporting Diaspora networks and building the capacity of Diaspora organisations; enabling Africans in the Diaspora, especially those in highly technical fields and high demand, to carry out some of their professional activities in their home countries as well in the entire continent without necessarily needing to give up their employment abroad;
- Promoting equal treatment and assistance in the creation and registration of associations by migrant communities in host countries;
- Helping set up mechanisms, services and effective financial products to facilitate the transfer of remittances, to reduce the costs of these transfers and to make them conducive to development, bearing in mind the private nature of remittances;
- Working towards mutual recognition of academic qualifications and professional certificates through the conclusion of bilateral agreements or by other means;
- Ensuring implementation and follow up of the 2004 Ouagadougou Declaration and Plan of Action on Employment and Poverty Alleviation in Africa, and ensuring expert advice to and in support of ongoing developments of regional frameworks for integrated policy programmes in Africa, to address the huge unemployment problem facing most African countries and its attendant consequences of illegal migration, drug abuse, crime and other social repercussions ; and emphasising the need to address issues of unemployment, particularly for youth; underlining the two key priorities for further cooperation on employment and social policy, which have a strong link with migration and development;
- Improving African access to European and regional markets inter alia by working towards agreeing Economic Partnership Agreements (EPAs) by 2008, which are instruments of development, promote poverty reduction, reinforce economic integration processes in Africa and Africa's integration in the global economy; redoubling efforts to achieve an EU-Mediterranean Free Trade Area by 2010.

2. Migration management challenges

- Finding concrete solutions to the problems posed by illegal or irregular migratory flows by regulating the influxes of migrants from Africa within the context of genuine partnership that ensures the eradication of poverty, unemployment and diseases thereby achieving comprehensive and sustainable development;

- Pursuing a holistic approach, ensuring a balanced response and concerted action in the area of migration;
- Providing assistance to African countries for the management of both South-South and South-North migratory movements;
- Developing regional initiatives appropriate to different migration routes both within Africa and from Africa to Europe, fostering close links between the respective regional organisations and deepening action as appropriate, as initiated for example by the Rabat conference;
- Addressing possibilities of generating policy coherence at international, regional and national levels, e.g. through promoting better integration of the impact of migration into development policies in respect of developing countries, and developmental aspects into migration strategies. Non-state actors at all levels should also be consulted;
- Meeting the concerns and interests of countries of origin, transit and destination alike, as well as the migrants themselves;
- Addressing illegal or irregular migratory flows, which are currently taking serious dimensions that can undermine stability and security and must be adequately addressed through a comprehensive approach;
- Creating an enabling environment in the countries of origin through good governance and the respect for the rule of law, elimination of corruption, promotion and protection of human rights.

3. Peace and security

- Agreeing that conflict is a root cause of forced displacement, and that displacement caused by conflict has destabilising effects on national and regional security, with adverse consequences for the ability of host nations to provide protection to refugees and security to their own nationals;
- Agreeing that large spontaneous and illegal or irregular migratory flows can have a significant impact on national and international stability and security, including by hindering states' abilities to exercise effective control over their borders, and creating tensions between origin, transit and destination countries in Africa and within local host communities;
- Strengthening cooperation in crisis management operations and supporting the building of Africa's capacities for conflict prevention, peaceful resolution of conflicts and post-conflict reconstruction, including through implementation of the AU Policy Framework on Post-Conflict Reconstruction and Development with special attention to the situation of women and children;
- Providing logistical support to the African Regional and Sub-Regional mechanisms for conflict prevention and consolidation of stability as well as ensuring the flow of funds in a predictable manner, in support of peace-keeping operations, and as a contribution to post-conflict reconstruction.

4. Human resources and brain drain

- Promoting concrete and tailor-made policies and reforms to address skills shortages caused by brain drain;
- Supporting programmes which foster the mobility and temporary return of members of the diasporas with the necessary skills in their countries of origin, in order to contribute to capacity building;
- Encouraging common innovative instruments to enable countries of origin to benefit fully from skilled African workers based in host countries;
- Strengthening African educational systems and adapting them to the needs of each African country; improving the working conditions of researchers (and other teachers) and encouraging the use of local consultants for different development projects;
- Encouraging the movement of skilled African labour between host countries and countries of origin through the creation of centres of excellence and partnerships between EU and African institutions;
- Exploring options to mitigate the effects of large scale departures of highly skilled African professionals in critical sectors.

5. Concern for human rights and the well-being of the individual

- Protecting the human rights of all migrants, particularly of women and children, including through implementation and non-discriminatory application of core human rights instruments;
- Promoting the dissemination of information regarding human rights, especially for women and children;
- Recognising the usefulness of measures to fight against racism and xenophobia and the need to ensure the respect of the dignity and the protection of the rights to which migrants are entitled under the applicable international law, especially the right to equal treatment based on the principle against discrimination;
- Deepening cooperation on issues of the reciprocal integration of legal migrants and recognising the role of national and local authorities in promoting integration activities and exchange of good practices;
- Incorporating into all policies and programmes on migration and development the increasing feminisation of migration and the vulnerability of female migrants and children to exploitation and abuse in the migration process and the need to reduce this vulnerability and safeguard their human rights;
- Creating measures to prevent abusive practices and to promote decent and productive work for migrants;
- Enhancing the role of civil society, especially in promoting integration and employment and preventing discrimination.

6. Sharing best practices

- Supporting one another in capacity-building so as to better manage migration and asylum;
- Sharing information and exchanging best practices on the broad migration agenda to the fullest degree possible, in particular via meetings between the EU and the AU, and AU RECs, Commission to Commission meetings, Euro-Med Migration Cooperation and bilateral meetings between EU and African states;
- Further developing dialogue in the framework of the Global Forum to be organised as a part of the follow-up to the UN High Level Dialogue on Migration and Development, including further work on migration and development within the UN system;
- Establishing a research network that brings together existing research institutions across the different regions of Africa and the EU, in view of creating a migration observatory network so as to better inform policy on migration and development;
- Supporting joint research on migration and development, including the collection of statistical data;
- Developing twinning arrangements and exchange of personnel between national administrations as well as between the EU and Africa.

7. Regular migration opportunities

- Studying the possibilities of harnessing the benefits of regular migration between countries of origin and countries of destination in order to better manage migration;
- Discussing simplified entry procedures for specific categories of people, thus allowing smoother regular migration flows;
- Giving support to the existing initiatives that encourage regular migration and commit ourselves to provide assistance to relevant projects in countries of origin;
- Developing means of facilitating seasonal temporary migration between countries of origin and destination while taking into consideration the needs and rules of the labour markets and the protection of migrant labour;
- Assisting African states to build capacity to develop national policies on mobility and migration, including measures regarding the employment of migrants and the implementation of regional free movement arrangements;
- Cooperating in carrying out information campaigns directed towards potential migrants on legal migration and employment opportunities concretely available in the countries of destination.

8. Illegal or irregular migration

- Extending support for building institutional capacity and developing projects in countries of origin and transit to combat illegal migration, migrant smuggling and trafficking in human beings;
- Enhancing efforts to criminalise trafficking and smuggling in national legislation, to combat criminal organisations and to punish the perpetrators involved in smuggling and trafficking of human beings, as well as to offer protection and rehabilitation to the victims of trafficking in particular by implementing the relevant protocols of the UN Convention on transnational organised crime;
- Implementing the Joint Africa-EU Action Plan to Combat Trafficking in Human Beings, Especially Women and Children;
- Encouraging cooperation in all domains in the fight against illegal or irregular migration, including reaching agreements on the issues of return and readmission of illegal migrants to their country of origin within the context of existing agreements, instruments and arrangements and bilateral and multi-lateral agreements;
- Cooperating to develop border control measures, including via cooperation between different national and regional bodies, training of border guards, recognition of the important role of the immigration liaison officers; and addressing the need for swift contacts between the EU and Africa in exceptional situations;
- Cooperating in carrying out information campaigns, directed in particular towards the local population and youths in regions with high migration potential, on the risks and dangers of illegal migration and exploitation by trafficking networks.

9. Protection of refugees

- Ensuring effective protection for refugees and internally displaced persons, including via regional protection, implementation of relevant international and regional conventions relating to the status of refugees, and respect for the principle of non-refoulement;
- Creating favourable conditions for the voluntary return of refugees and displaced persons to their homes, including by investing in post-conflict stabilisation and reconstruction programmes, and taking into account intra-African flows;
- Ensuring those in mixed migratory flows in need of international protection are identified quickly, in co-operation with relevant international organisations;
- Ensuring due access to asylum processes, including special attention to the vulnerable groups, especially to women and unaccompanied minors.

Financing

- Implementing the commitments made by the European Union to support the development efforts of countries of origin or transit, and within the wider framework of contributing to the achievement of the Millennium Development Goals (MDGs) and the EU commitment to collectively increase ODA to 0.56 % of GNI by 2010 and 0.7 % by 2015, and to allocate at least 50 % of the agreed increase to Africa;
- Examining the feasibility of setting up a fund to implement measures set out in this Declaration. To this end the two sides decide to set up a Joint Working Group comprising representatives of AU and EU Commissions. The Joint Working Group will report to their respective Councils.

Follow-up mechanism

- The follow-up to this joint declaration should take place in the context of the Joint EU-Africa strategy and joint implementation matrix. This should include:
 - regular expert level troika meetings on migration and development issues;
 - emphasis on exchanges of experiences and information on respective policies developed at the bilateral, regional and continental level by African states and organisations and on relevant policy initiatives and concrete actions by the European Union and its Member States within existing structures for dialogue in order to ensure coherence with other fields of co-operation;
 - mandating the AU and EU Commissions to develop an implementation Roadmap for the Joint Declaration.
- EU-Africa Ministerial Conference on Migration and Development should take place within three years to provide an initial review of migration and development in the context of the overall Africa-EU Dialogue;
- Further developing dialogue in the framework of the Global Forum to be organised as a part of the follow-up to the UN High Level Dialogue on Migration and Development, including further work on migration and development within the UN system.