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NOTE

From: European Commission and European External Action Service (EEAS)
To: Delegations

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

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



EUROPEAN COMMISSION

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 Ethiopia

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

1. Key Migration Features of Ethiopia

Ethiopian nationals as migrants in the EU

- In 2015, more than 3500 identified Ethiopians crossed the EU borders irregularly, which represents 175% increase from 2014. In 2015 (until end October) 4650 Ethiopians applied for asylum in the European Union. The acceptance rate is relatively high, nearly 50% in the first 3 quarters of 2015. UNHCR estimates, however, that 40 to 60% of asylum seekers claiming to be from Somalia and Eritrea are in fact Ethiopians.
- The majority of Ethiopians cite economic reasons and lack of livelihood opportunities as the main driver for migration. Insecurity comes second, with a high proportion of ethnic Oromos claiming they fear political oppression or persecution. The International Labour Organisation suggests that there is a ‘culture of migration’ in Ethiopia where families expect their children to go abroad and provide remittances. Moreover, Ethiopia is facing a worrying humanitarian crisis¹ (El Nino-driven drought), highlighting its vulnerability to the impact of climate change. 18 million people are considered food insecure countrywide. Instability is spreading in several regions, and the situation is evolving into a potential source of forced displacement.

¹ More than EUR 40 million of humanitarian assistance have been mobilised to respond to the crisis. In addition, development funds are mobilised to support early recovery and socio-economic stability of the drought affected population. The global EC support to El Niño crisis amounts to over EUR 100 million.

- To date, Ethiopia has not been cooperative on returns and readmission of irregular migrants from Europe, despite receiving large numbers of returns from neighboring and Middle Eastern countries. With only 180 return decisions executed out of 1105 issued across the EU in 2014, the return rate is extremely low at 16%. However, since the visit of the High Representative to Addis Ababa on 20 October 2015, the Government has pledged to enhance cooperation with the EU in this area; it remains to be seen whether this will be translated in practice.

Migration situation in Ethiopia

- Ethiopia is a country of origin, transit and destination of migrants from the region, situated in the centre of the regional migration corridor from Somalia / Eritrea to Sudan and/or Yemen. Its crude net migration rate is negative (-0,13/1000 in 2013). It is the largest refugee hosting country in Africa (over 730000 refugees, mostly from Somalia and South Sudan).
- Migration flows from Ethiopia follow three routes: eastern route to the Middle East via Djibouti/Yemen and to a lesser extent via Sudan/Red Sea (most popular: UNHCR indicates that over 80000 Ethiopians migrated to/via Yemen in 2015, despite the conflict); northern route to Europe via Sudan/Libya (country of origin and transit); and, increasingly, the southern route to South Africa through the South-Eastern corridor, mainly through Kenya. Trafficking and severe human rights abuses are reported along all routes.

2. Relations with the EU

General

- The enhancement of EU-Ethiopia relations is an important priority for the country. Preparations are thus ongoing to sign a “Strategic Engagement” Joint Declaration, with a commitment to an annual ministerial meeting and to six sectoral dialogues, including migration but also counter-terrorism, where Ethiopia is keen to take a stronger role².
- EU development assistance to Ethiopia is substantial – it has the largest national envelope from the 11th EDF (2014-20), amounting to EUR 745 million; the total figure when all EU thematic and humanitarian sources are aggregated is closer to EUR 1.4 billion. However, Ethiopia has repeatedly argued that they would rather not receive this assistance than accepting it with conditionality. There is however a strong plea for increased budget support (sector support for transport and health sectors) which could be an incentive.
- When engaging with Ethiopia, the political and socio-economic development and human rights situation will need to be considered³.

² The six sectoral dialogues currently envisaged include: regional peace and security; countering terrorism and violent radicalization; migration; social and economic development, investment and trade; governance and human rights; climate change and environmental cooperation.

³ A European Parliament resolution from 21 January 2016 strongly criticized the Government for significant and widespread human rights violations.

Migration

Migration relations EU-Ethiopia

- Ethiopia is the only country in the region (second in Africa) with which the EU has signed a bilateral declaration on migration – a Common Agenda on Migration and Mobility (CAMM).
- The visit of the HRVP to Ethiopia on 20 October 2015, where she launched the High Level Dialogue on Migration with a wide range of government Ministers, including the Prime Minister, accelerated the process which was pending since February. The CAMM Joint Declaration was signed on 11 November 2015 in the margin of the Valletta Summit on Migration.
- Ethiopian Minister for Foreign Affairs Dr. Tedros Adhanom visited Brussels on 12-13 January 2016, where he discussed migration with Commissionerr Avramopoulos and with the HRVP and reiterated the Prime Minister's commitment to implement the CAMM and to cooperate on returns.
- At the occasion of the EU (EU inter service + DE, NL, CH, UK) technical visit to Ethiopia in February 2016, Ethiopian authorities - while insisting on the difficulties to establish who is an Ethiopian national and who is not - confirmed that in case of identified Ethiopians, they would respect their international obligations to readmit them. This commitment will now be tested in practice, as a pilot of 57 cases from 5 Member States (UK, NL, SE, DK and DE) and CH was submitted to the Ethiopian side on 18 February 2016. DG HOME, the EURINT Working Group, and the EU Delegation in Addis cooperate closely on the follow-up. The mission also discussed the text of an aide-mémoire on CAMM implementation, with the objective of agreeing on an Action Plan by March/April 2016.

Migration relations EU Member States - Ethiopia

- There are no bilateral readmission agreements, Norway has a Memorandum of Understanding which is not being implemented by Ethiopia.

3. Key interests of the country and the EU

Ethiopian interests

- Improvement of international standing, enhanced international financial/trading package to help maintain levels of recent economic growth;
- Improved ways for legal migration and entry to Europe. Ethiopia is interested in a preferential visa deal, and it may well be that hurdles faced by EU companies in the country (including restriction on length of business visas) are related to this.

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- Remittances represent a substantial part of ETH income and provision of foreign currency, estimated at US\$ 5.2billion in 2012, amounting to 4-5 times EU+Member States annual disbursements. The Minister for Foreign Affairs specifically asked the EU to explore ways to transfer remittances cost-free.
- Ethiopia is keen to increase EU (and other international private) investments in the country, including by organizing an EU-Ethiopia Business event in Brussels in 2016.
- Ethiopia has specifically requested support for reintegration of returnees and funding of targeted informational campaigns on risks of irregular migration to Europe.

EU interests

- Effective cooperation on returns/readmission, including organisation of identification missions to Europe and the use of the EU Laissez-passer for return purposes.
- Monitor and reduce secondary movement from refugee camps in Ethiopia towards Europe.
- Finalization and implementation of the action plan as an annex to the CAMM.
- Enhance partnership with Ethiopia on migration as an example for all countries of the region, including through the Khartoum Process.

4. Possible incentives⁴

- Ongoing negotiations for the EU-Ethiopia “Strategic Engagement” linked to tangible outcomes of cooperation on migration.
- Co-host an EU Business Forum for Ethiopia in Brussels in 2016 (target October / November 2016). Focus could be on investments in industrial sector, on value addition of agriculture commodity goods, and agricultural export potential (such as the coffee sector).
- Support data collection on the Northern route to provide quantitative data on the scale and nature of irregular migration on this route for improved policy making.
- Support to the reinforcement of capacity to respond to readmission requests, including identification of irregular migrants, delivery of emergency travel documents, and reintegration of returnees. The EU needs to be ready to recognize that non-voluntary returns are EU initiated.
- Support to returnee reintegration⁵.

⁴ No conditionalities can be attached to needs based humanitarian aid in line with the humanitarian principles.

⁵ Argue that the potential number of returnees will be limited compared with (for instance) the number of forced returns from other countries: from November 2013 to February 2014, Ethiopia received over 170000 forced returns from Saudi Arabia.

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- Activate Article 13 of the Cotonou Agreement by proposing a draft readmission agreement with the EU to be annexed to the CAMM action plan.
- Improve capacity to provide effective international protection and increase livelihood opportunities for refugees and host communities in Ethiopia, including by working with CSOs, notably through the Regional Development and Protection Programme (RDPP) for the Horn. Possibilities for support to technical improvement of the registration process will be envisaged. This may also contribute to reducing secondary movement to Europe.
- Support for legal migration from Ethiopia to the region and to Gulf, including capacity building for implementing the new migrant worker legislation through enhancing oversight over recruitment agencies and improving conditions for labor migrants in destination countries.
- Enhance capacity to tackle smuggling of migrants and trafficking in human beings, improved police intelligence sharing (Interpol has announced the opening of an Addis office).
- Support communication efforts to counter messages from smugglers by providing funding in support of the Ethiopian government programme, and through the continuation and enhancement of targeted awareness-raising campaigns on risks and realities of irregular migration, and on legal migration opportunities.
- Enhance/improve opportunities for legal migration and entry from Ethiopia to the EU in coordination with EU Member States; increase exchange of students, researchers, university teachers within the context of the Erasmus+ programme and Marie Skłodowska-Curie Actions⁶.
- Continuation and enhancement of European Investment Bank (EIB) activities which will contribute to tackle the root causes of migration⁷.
- A possible *ad hoc* review of the National Indicative Programme (NIP) can provide an opportunity to increase the envelope for Ethiopia. Given the push factors, a potential increase in funding could include for example employment generation, climate change adaptation, resilience measures, and the development of a biometric multi-purposes civil registry.

⁶ Ethiopia is one of the African "top-performers" in terms of university student and staff participation in the EU's higher education programmes to date (Erasmus Mundus and now Erasmus+). Seven Ethiopian universities are participating in the Harmonisation of higher education and Tuning initiative also.

⁷ Two of most prominent are the Boost Africa partnership and a Smallholder Financing Facility - further needs assessment is ongoing. Moreover, an EU technical assistance grant currently under consideration will be crucial for the implementation of an initiative aiming at increasing access to finance for small and medium enterprises, which is at an advanced stage of discussion with the Ethiopian authorities. Finally, a European Investment Bank loan for the financing of the Modjo Leather City project, an environmentally friendly and fully organized leather district which will create concrete opportunities for local and foreign direct investment and will foster job creations, could be blended with a technical assistance grant from the EU.

- Use Joint Programming to enhance coherence of EU activities in the country, in particular towards migration. The objective should be to replace the current National Indicative Programme by a Joint Programming Document, although the National Authorising Officer is reluctant to this idea.
- 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.

5. Recommendations

Short summary

Given positive cooperation in the previous months on migration with Ethiopia, including through the signature of the Declaration on a CAMM on 11 November 2015, the EEAS and European Commission services recommend pursuing a constructive, step-by-step approach on the migration incentive package for Ethiopia, pending results of cooperation on returns.

Recommendations

- Agree on the Action Plan as annex to the CAMM Joint declaration following the technical mission which took place in early February 2016 and feedback by the authorities on the Aide-Mémoire. This Action Plan should include, as a package, activities highlighted above as possible incentives, including on data collection, return and readmission, capacity building, support to legal migration, awareness raising, etc.
- Use the existing mapping of EU+Member States activities in the field of migration to identify gaps and EU and Member States funding possibilities and human resources available to support the package. Use in particular the ongoing Joint Programming exercise to ensure coherence and coordination.
- Approval of RDPP Ethiopia action in April operational committee of the EU Emergency Trust Fund Horn of Africa window, and start preparations for a CAMM implementation package for the October/November operational committee. EIB activities should also continue.
- An *ad hoc* review of the NIP can be envisaged, particularly if cooperation on returns becomes effective. Coherence of EU activities could be enhanced if the Government agrees to replace the NIP by a Joint Programming document.
- Organization of an identification mission to Europe, if possible still in March 2016 (Valletta Action Plan).

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- Continue negotiations on Joint Declaration for a Strategic Engagement (including holding of EU-Ethiopia business event in Brussels), with linkages to CAMM implementation. Signature of the joint declaration on 7 April should depend on effective cooperation, in particular on the 57 cases and on the organization of identification missions to Europe.
- The proposal for a readmission agreement should only come after confirmation of effective cooperation on returns and identification missions, to avoid Ethiopia using the negotiations to put on hold cooperation on returns, arguing that they want to wait for the agreement to be finalised.
- Recruitment of an EU Migration Liaison Officer in Ethiopia to reinforce the capacity of the EU Delegation and MS to provide analysis and advice on migration-related issues.
- Ethiopia to be retained as a target country for pilot projects of pooling offers on legal migration paths.

6. Next steps – should focus on next (high –Level) meetings

- 7 April – in the margin of their participation to the Commission-to-Commission meeting in Addis, HRVP and Csr Avramopoulos to conduct a High Level Dialogue on migration with Ethiopian PM / MFA and other relevant Ministers. Focus on returns and readmission (depending on effective cooperation), as well as on CAMM Action Plan and upcoming Ethiopian chairmanship of the Khartoum Process.
- Agreement on CAMM Action Plan by April 2016.
