



# Recommendations to Malta and Estonia for the Presidency of the Council of the European Union



Malta / Abdul (right), an Eritrean refugee in front of his successful hairdressing salon, which he opened after having been granted international protection in Malta.

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The Republic of Malta and the Republic of Estonia will successively hold the Presidency of the Council of the European Union (EU) in 2017 in a challenging context. In 2015, over one million refugees and migrants undertook dangerous journeys across the Mediterranean Sea in search of safety. The capacity of EU Member States and the Common European Asylum System (CEAS) to respond to the situation was severely tested. Fragmented responses emerged amongst EU Member States. Some took measures to restrict access of refugees and migrants to their territories and to shift the responsibility to neighbouring countries. Although several made efforts to welcome refugees, the lack of a common EU response led to seemingly intractable policy dilemmas. This resulted in serious operational difficulties, exacerbating the already precarious circumstances under which refugees and migrants arrived in the EU. To address some of these shortcomings, the European Commission has proposed an extensive agenda to reform the CEAS.

The joint 18-month program of the Dutch, Slovak and Maltese Presidencies,<sup>1</sup> as well as Malta's own Presidency priorities,<sup>2</sup> set out ambitious objectives including as regards the roll-out of the European Agenda on Migration's<sup>3</sup> comprehensive approach. Based on these objectives, and taking into account the context in which

<sup>1</sup> Council of the EU, *Taking Forward the Strategic Agenda, 18-month programme of the Council (1 January 2016-30 June 2017)*, 12396/15, POLGEN 142, Brussels, 3 December 2015. Available at: <http://data.consilium.europa.eu/doc/document/ST-12396-2015-INIT/en/pdf>.

<sup>2</sup> See *2017 Maltese Presidency of the Council of the European Union Priorities*. Available at: [http://www.eu2017.mt/Documents/Maltese%20Priorities/EU2017MT%20-%20Presidency%20Priorities%20\(EN\).pdf](http://www.eu2017.mt/Documents/Maltese%20Priorities/EU2017MT%20-%20Presidency%20Priorities%20(EN).pdf).

<sup>3</sup> European Commission, *Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European Agenda on Migration*, COM(2015) 240 final, Brussels, 13 May 2015. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf).

both Malta and Estonia will assume the Presidency of the Council, notably the CEAS reform process, UNHCR wishes to suggest four priority areas for the Presidencies to ensure concrete results throughout their respective tenure. UNHCR stands ready to support both Presidencies in implementing the recommendations proposed under these priority areas.

The present recommendations should be read together with UNHCR's "Better Protecting Refugees in the EU and Globally",<sup>4</sup> which sets out the organization's proposals for the EU, as well as with UNHCR's forthcoming more detailed comments on the European Commission's proposals to reform the CEAS.

## Priority area 1: Providing for a successful reform of the Common European Asylum System

### A. Building momentum for the reform process

The European Commission released proposals to reform the instruments of the CEAS in late 2015 as well as in May and July 2016.<sup>5</sup> The European Border and Coast Guard Regulation has already been adopted and has entered into force. Discussions on the other proposals are on-going and are at different stages. Momentum for the reform is required to address the gaps that became apparent during last year's large-scale arrivals and to ensure preparedness for various scenarios. In particular, the Presidencies might seek to advance the discussions on the proposal to reform the Dublin Regulation<sup>6</sup> and see how a way forward on the solidarity required within the EU can be found. The Presidencies may also wish to concentrate on the progress that has already been made on the proposal for an EU Agency for Asylum (EUAA).<sup>7</sup> The transformation of the European Asylum Support Office (EASO) into an effective EUAA with the mandate and resources to promote, support and monitor the full and coherent implementation of the CEAS is a key step that is needed as a priority. UNHCR will set out comments and recommendations in relation to these proposals and publish comments on the remaining proposals

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<sup>4</sup> UNHCR, *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, December 2016. Available at: <http://www.refworld.org/docid/58385d4e4.html>.

<sup>5</sup> For further information, see *European Agenda on Migration – Legislative documents*. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/index_en.htm).

<sup>6</sup> European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*, COM(2016) 270 final, Brussels, 4 May 2016. Available at:

[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/dublin\\_reform\\_proposal\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/dublin_reform_proposal_en.pdf). Hereafter the recast Dublin proposal.

<sup>7</sup> European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010*, COM(2016) 271 final, Brussels, 4 May 2016. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo\\_proposal\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf). Hereafter the proposal for an EU Agency for Asylum.

shortly. UNHCR stands ready to further advise the Presidencies on the reform proposals.

#### Recommendations:

UNHCR recommends that the Presidencies:

- Build momentum for the reform of the CEAS instruments, with a specific focus on the proposal to reform the Dublin Regulation and the proposal for an EU Agency for Asylum.

### B. Ensuring a comprehensive and consultative approach to the reform

Most of the proposals to reform the CEAS instruments are interlinked. For example, access to asylum procedures is dealt with both in the proposed Asylum Procedures Regulation<sup>8</sup> and the recast Dublin proposal. Anticipating these interlinkages is key to ensuring consistency between all instruments and to avoiding protection gaps. For instance, the mechanisms for identifying persons with specific needs included in the proposals for a recast Reception Conditions Directive and for an Asylum Procedures Regulation are not included in the recast Dublin proposal.

The duration of the consultation process ahead of the release of the European Commission's proposals was limited and evaluation of the implementation of the current CEAS instruments and their impact were conducted in a less detailed manner than for past reforms. To ensure that the recast instruments are relevant and effective, it is advisable for the reform of the CEAS to be built on a strong evidence base. Notably, a better understanding of the reasons behind irregular onward movement within the EU would serve to ensure that the proposed measures to address this would be effective. Similarly, the reform process could be further informed by research on the use of procedural tools such as "border procedures" and "accelerated procedures" and their impact in terms of fairness, efficiency and costs. The Presidencies may follow up on these important steps of the legislative process and ensure that a strong evidence base is available by involving a wide range of stakeholders, including civil society and refugees.

#### Recommendations:

UNHCR recommends that the Presidencies:

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<sup>8</sup> European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU*, COM(2016) 467 final, Brussels, 13 July 2016. Available at: <http://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-467-EN-F1-1.PDF>. Hereafter the Asylum Procedures Regulation.

- Take into account the interlinkages between all proposed instruments to ensure consistency and avoid any protection gaps, and involve a wide range of stakeholders in the reform process in order to take an evidence based approach to the reform process.

### C. Ensuring a protection-oriented reform of the CEAS, which builds on the lessons learned from last year's refugee situation while guaranteeing that all relevant safeguards are in place

It is encouraged that reform aimed at better managing asylum systems is anchored on key principles of international protection. These include ensuring that those in need of international protection can access protection and that their claims are assessed through fair and efficient procedures.

The large-scale arrivals last year brought to light shortcomings in the practical implementation of the CEAS. Notably, the Dublin system faltered and the CEAS instruments were not consistently applied across the EU. In that context, the objective of the European Commission's reform of the CEAS, addressing some of the shortcomings highlighted last year, is welcome. Yet, the proposals may go further and it is key that the reform of the CEAS builds on the lessons learned from 2015 so that the provisions of the reformed instruments can be effectively implemented in practice under a variety of circumstances and pressures.

These practical considerations should go hand in hand with the guarantee that all relevant safeguards are in place. Such safeguards include the protection against *refoulement*, the right to a personal interview, sufficient time to prepare for each stage of the asylum procedure, legal assistance, as well as access to qualified interpreters, NGOs and legal remedies.

#### Recommendations:

UNHCR recommends that the Presidencies:

- Ensure that the reform process is based on key principles of international protection and takes into account the lessons learned from last year's large-scale arrivals, in order to make the reformed instruments implementable in practice under a variety of circumstances. This objective of workability should go hand in hand with the guarantee that key international principles and all relevant safeguards are in place.

## Priority area 2: Supporting immediate operational responses

### A. Ensuring preparedness and contingency planning

Despite the existence of gaps in registration, screening, processing and reception capacities in some EU Member States, contingency plans and preparedness measures were not developed at national or EU-level ahead of and during last year's large-scale arrivals. As drivers for forced migration remain acute in Europe's neighborhood, contingency plans and preparedness measures need to be in place. In that respect, the reference to mandatory contingency planning in the proposal for a recast Reception Conditions Directive<sup>9</sup> is welcome. Yet, provisions on contingency planning and preparedness could be mainstreamed throughout the reform package, where relevant. As coherence between national and European levels is key, the European Commission and the EU Agencies have an important role to play. In particular, the Agencies may take the lead in fostering closer cooperation between border, asylum and reception authorities to ensure that contingency plans are comprehensive and cover all relevant processes and needs, in full respect of fundamental rights. Additionally, resuming the Integrated Political Crisis Response (IPCR) meetings in their extended format would facilitate early warnings and coordination.

#### Recommendations:

UNHCR recommends that the Presidencies:

- Support the mainstreaming of mandatory contingency planning in all relevant proposed CEAS instruments and establish a coordination mechanism to develop the contingency plans and assessments needed to address large-scale arrivals, in co-operation with Member States, the European Commission and EU Agencies. For example, the extended IPCR meetings could serve that purpose.

### B. Supporting the intra-EU relocation mechanism to foster greater intra-EU solidarity

Progress on the intra-EU relocation mechanism has not gathered pace, with only 8,325 asylum-seekers relocated from Greece and Italy (as of 9 December).<sup>10</sup> A

<sup>9</sup> European Commission, *Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)*, COM(2016) 465 final, Brussels, 13 July 2016. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal\\_on\\_standards\\_for\\_the\\_reception\\_of\\_applicants\\_for\\_international\\_protection\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_standards_for_the_reception_of_applicants_for_international_protection_en.pdf).

<sup>10</sup> For further information, see *Member States' Support to Emergency Relocation Mechanism (as of 9 December 2016)*. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_relocation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf).

number of challenges remain, such as the need for EU Member States to pledge a sufficient number of places, increasing the acceptance rate of relocation cases and ensuring that unaccompanied and separated children can benefit from relocation. UNHCR has issued a number of recommendations on how to make relocation work better, which could serve as a useful resource to addressing some of the challenges faced.<sup>11</sup>

### Recommendations:

UNHCR recommends that the Presidencies:

- Encourage all EU Member States to pledge the full amount of relocation places foreseen in the Council's Decisions without restrictive preferences and undertake initiatives aimed at improving relocation procedures and provide for the relocation of vulnerable persons, notably unaccompanied and separated children.

### C. Increasing access to family reunification and resettlement, and developing complementary pathways to access protection

EU Member States are encouraged to adopt concrete measures to effectively facilitate family reunification in order to enhance safe and regular access to the EU for family members including women and children who may not otherwise have access to protection.

Additionally, consistent with the New York Declaration for Refugees and Migrants,<sup>12</sup> EU Member States are urged to significantly increase their annual resettlement quotas to align with UNHCR's Projected Global Resettlement Needs<sup>13</sup>. In July 2016, the European Commission released a proposal for a Union Resettlement Framework.<sup>14</sup> This Framework may be used to be responsive to global needs through setting ambitious numerical targets.

Concurrently efforts on family reunification and resettlement require to be supplemented with the development of complementary pathways to access

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<sup>11</sup> This include broadening the eligibility criteria for relocation, expediting the acceptance of relocation cases and prioritizing persons with specific needs. See for example UNHCR, *Stabilizing the situation of refugees and migrants in Europe Proposals to the Meeting of EU Heads of State or Government and Turkey on 7 March 2016*, 3 March 2016. Available at: <http://www.refworld.org/docid/56e2fc8da.html>.

<sup>12</sup> UN General Assembly, *New York Declaration for Refugees and Migrants: Resolution/Adopted by the General Assembly*, 3 October 2016, A/RES/71/1. Available at: <http://www.refworld.org/docid/57ceb74a4.html>. Hereafter, the New York Declaration.

<sup>13</sup> UNHCR, *Projected Global Resettlement Needs 2017*. Available at: <http://www.unhcr.org/protection/resettlement/575836267/unhcr-projected-global-resettlement-needs-2017.html>

<sup>14</sup> European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council*, COM(2016) 468 final, Brussels, 13 July 2016. Available at: <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-468-EN-F1-1.PDF>. Hereafter the proposal for a Union Resettlement Framework.

protection, which could help to undermine smuggling networks.<sup>15</sup> In that context, the European Commission and EASO could have an important role in undertaking feasibility studies in order to identify opportunities for the pooling of capacities amongst Member States to develop such pathways.

Expanded opportunities for safe pathways could be established primarily in a country where a Regional Development and Protection Programme, Migration Compact, or Comprehensive Refugee Response (see below) is being developed, as well as in other countries of first asylum on the strategically important routes to Europe.

#### Recommendations:

UNHCR recommends that the Presidencies:

- Actively encourage all EU Member States to increase their annual resettlement quotas and simplify family reunification procedures, advance work on the European Commission's proposal for a Union Resettlement Framework and support the development of other pathways of admission, including with the targeted support of the EASO where feasible.

#### D. Making the Dublin III Regulation<sup>16</sup> work fairly for asylum-seekers and EU Member States alike

The increase in number of arrivals last year revealed challenges in the implementation of the Dublin III Regulation. Addressing them in the short term is key as long as the Dublin system is not reformed the Dublin III Regulation is the only instrument of the CEAS with the potential to provide for swift family reunion within the EU while fostering intra-EU responsibility-sharing. UNHCR's forthcoming study on the implementation of the Dublin III Regulation provides recommendations to address the Regulation's shortcomings for a better-functioning Dublin system in the interest of applicants and EU Member States alike.

#### Recommendations:

UNHCR recommends that the Presidencies:

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<sup>15</sup> These could include: private sponsorship programs, higher education opportunities for refugees and labor mobility opportunities, amongst others.

<sup>16</sup> European Parliament and Council of the EU, *Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*, 26 June 2013. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>. Hereafter the Dublin III Regulation.

- Encourage EU Member States to make enhanced use of the Dublin III Regulation, including its discretionary clauses, and to endeavor to enhance the operation of the current Dublin system, pending its reform.

## Priority area 3: Focusing on specific initiatives

### A. Developing a new common approach to children driven by the best interest of the child

The situation in Calais and in Greece, as well as the findings of UNHCR's forthcoming study on the implementation of the Dublin III Regulation, have highlighted significant gaps in the implementation of the safeguards for children set out in the CEAS. UNHCR welcomes the Conference on Children in Migration that the Maltese President will co-host with Missing Children Europe on 26 and 27 January 2017.<sup>17</sup> UNHCR stands ready to contribute to the Conference, building on the findings in its study, its Global Strategy: beyond Detention 2014-2019,<sup>18</sup> and on its High Commissioner's High-Level Dialogue on Children on the Move.<sup>19</sup> The High-Level Dialogue set out concrete solutions to operationalize existing protection standards for unaccompanied and separated children in Europe. These concrete solutions are based on the "Roadmap", a range of UNHCR-led consultations with experts, civil society and policy-makers, in partnership with UNICEF and the International Rescue Committee, which resulted in a discussion paper on "a Possible Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe".

#### Recommendations:

UNHCR recommends that the Presidencies:

- Take forward the recommendations coming out of the January 2017 Conference on Children in migration and call on EU Member States to endorse the strengthened provisions relating to children proposed as part of the CEAS reform, especially those on guardianship and, at the same time, advocate for children to be exempted from measures which may be contrary to their best interests and/or violate the principle of family unity.

<sup>17</sup> For further information, see <http://lostinmigration.eu/>.

<sup>18</sup> The Strategy includes ending the detention of children as one of its goals. EU Member States take part in the Strategy. For further information, see *UNHCR, Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019*, 2014. Available at: <http://www.refworld.org/docid/536b564d4.html>.

<sup>19</sup> For further information, see <http://www.unhcr.org/high-commissioners-dialogue-on-protection-challenges-2016.html>.



## B. Tackling statelessness in the EU

The prevention of statelessness remains a concern within the EU with only a limited number of Member States adequately preventing statelessness at birth. In addition, although 24 EU Member States are party to the 1954 Convention relating to the Status of Stateless Persons,<sup>20</sup> only a handful provide sufficient and formal identification and protection mechanisms for stateless persons in their territory. The December 2015 Council Conclusions on Statelessness invited the European Commission to launch exchanges of good practices using the European Migration Network (EMN) as a platform.<sup>21</sup> As a first step, an EMN paper on statelessness in the EU was presented to EU Member States in October 2016.<sup>22</sup>

### Recommendations:

UNHCR recommends that the Presidencies:

- Follow up on the December 2015 Council Conclusions on Statelessness during their respective tenures by tabling statelessness, possibly at a SCIFA meeting, and encouraging further exchanges of information and good practice through the EMN platform.

## C. Supporting integration and creating welcoming communities

Building social cohesion, stability and security requires that communities are well-equipped to receive refugees, and that refugees are well-supported to realize their potential in their new environments. EU Member States need to ensure the enjoyment of rights, foster a welcoming environment, and address xenophobia. At the same time, refugees need to participate in integration programmes, and comply with the laws of their host State. The ability for refugees to live and build futures for themselves wherever they are in the EU can contribute to an effective asylum system and reduce pressures for onward movement. Effectively managed integration programmes can thus reap enormous benefits.

### Recommendations:

UNHCR recommends that the Presidencies:

- Promote the full use of AMIF resources to facilitate integration, and support a more comprehensive approach to promoting good practices to inform national policies and

<sup>20</sup> UN General Assembly, *Convention Relating to the Status of Stateless Persons*, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117. Available at: <http://www.refworld.org/docid/3ae6b3840.html>.

<sup>21</sup> For further information, see <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04-council-adopts-conclusions-on-statelessness/>.

<sup>22</sup> For further information, see <http://www.emnbelgium.be/sites/default/files/publications/emn-inform-statelessness-in-the-eu.pdf>.

programmes, including through the newly established *European Network on Integration* as well as the Partnerships under the *Urban Agenda for the EU*.

## Priority area 4: Supporting efforts to address forced displacement outside the EU's borders

### A. Enhancing dialogue with EU accession candidates and acceding countries

Systematic and thorough monitoring of gaps and shortcomings in the areas of asylum and migration management in Western Balkan countries and Turkey by the European Commission would contribute to accelerating the upgrading of the quality, fairness and efficiency of their asylum systems as well as to having more solid contingency plans in those countries. Furthermore, Western Balkan countries and Turkey are encouraged to share data on asylum applicants and persons granted protection with the European Commission more regularly, with a view to providing the European Commission with a more realistic and updated picture of the asylum situation in those countries.

#### Recommendations:

UNHCR recommends that the Presidencies:

- Take an active role in the Council, including in the Working Party on Enlargement and Countries Negotiating Accession to the EU, to ensure that, in the field of asylum, accession Chapters 23 and 24 are fully met and that EU accession candidates and acceding countries share relevant data with the European Commission on a more regular basis.

### B. Engaging in and mobilizing support for the development and implementation of the Comprehensive Refugee Response Framework

The New York Declaration for Refugees and Migrants adopted by the UN General Assembly in September 2016, assigned the role of developing the Comprehensive Refugee Response Framework (CRRF) to UNHCR and requested UNHCR to engage with States on its practical application and further development in situations involving large movements of refugees. The EU and Member States can provide robust support for the application of the CRRF through a range of financial, political and technical measures to ease pressure on host countries, enhance refugee self-reliance, expand third-country solutions and support conditions for safe, voluntary and dignified return to countries of origin. In particular, the EU provides a model for the operationalization of a “whole of government” approach to large refugee situations, as foreseen in the April 2016 Communication *“Lives in Dignity: from Aid-*

*dependence to Self-reliance*".<sup>23</sup> Implementing the Communication – with its emphasis on closer links between development and humanitarian actors and interventions - would not only enhance the self-reliance of refugees but also bring economic benefits to hosting communities.

#### Recommendations:

UNHCR recommends that the Presidencies:

- Lead the discussions on how the EU and its Member States can coordinate and harmonize their efforts to provide scaled up political, financial and operational support and promote the strong engagement and advocacy of EU delegations for the application of the CRRF in Uganda, Somalia and Tanzania, as well as additional pilot countries that may be agreed in early 2017.

### C. Working on existing and future migration partnerships to ensure fairness and good partnership

UNHCR welcomes the launch of the European Commission's Partnership Framework<sup>24</sup> approach in June 2016. This approach pulls together the European Commission and the Member States' funding capacity in a more coordinated manner in order to work in a more productive, constructive, and respectful manner with non-EU partners. Extension of the geographical scope of the Partnership Framework that is comprehensive is welcome and prerequisites may include respect for human rights, European and international law, including refugee law and not link development and cooperation aid with migration management objectives. In line with Article 21 of the Treaty on the EU,<sup>25</sup> solidarity and responsibility-sharing are the principles to guide the EU's actions outside its borders.

#### Recommendations:

UNHCR recommends that the Presidencies:

- As part of the Partnership Framework approach, uphold the principled approach of the EU by fostering genuine partnerships with non-EU countries as well as by adhering to human rights, EU and international law.

<sup>23</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Lives in Dignity: from Aid-dependence to Self-reliance*, COM(2016) 234 final, Brussels, 26 April 2016. Available at: [http://ec.europa.eu/echo/files/policies/refugees-idp/Communication\\_Forced\\_Displacement\\_Development\\_2016.pdf](http://ec.europa.eu/echo/files/policies/refugees-idp/Communication_Forced_Displacement_Development_2016.pdf). Hereafter the April 2016 Communication.

<sup>24</sup> European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration*, COM(2016) 385 final, Strasbourg, 7 June 2016. Available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_external\\_aspects\\_eam\\_towards\\_new\\_migration\\_ompaact\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompaact_en.pdf).

<sup>25</sup> For further information, see: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A12012M%2FTXT>.

## D. Continuing cooperation and dialogue with African partners

Practical cooperation between the EU and its African partners on various issues related to migration management has continued in 2016, as shown by the numerous sub-regional thematic meetings of the Khartoum and Rabat Processes held during the year.<sup>26</sup> The Senior Officials Meeting, to take place in February 2017 in Valletta, will be key to taking stock of the achievements and continue addressing remaining needs and gaps.

It is encouraged that EU cooperation, including of an operational nature, with non-EU countries, comply with EU Member States' obligations under international law, including international refugee law, as well as under the human rights framework that extends beyond the EU external borders. This includes the respect of the principle of *non-refoulement* as well as access to fair and efficient procedures, refugee rights and durable solutions.

### Recommendations:

UNHCR recommends that the Maltese Presidency:

- Ensures that the discussions at the Senior Officials Meeting be held in a comprehensive manner and in a spirit of true partnership.

## E. Fostering the humanitarian development nexus

UNHCR welcomes the EU's ambitious, development-oriented approach to refugees, IDPs and their hosts outlined in the April 2016 Communication *Lives in Dignity: From aid-dependence to self-reliance* and in subsequent Council Conclusions<sup>27</sup> in May 2016. UNHCR welcomes the EU's call for strong support to hosting communities and partnerships with hosting countries to help refugees thrive and not just survive. The call for a comprehensive approach to address forced displacement - systematically engaging political actors and development assistance, private sector and the International Financial Institutions - match the objectives spelled out in the Comprehensive Refugee Response Framework (CRRF), led by UNHCR. UNHCR is hopeful of specific action to be taken by the European Commission to implement its ambitious April 2016 Communication.

<sup>26</sup> For further information, see <http://www.khartoumprocess.net/> and <https://processus-de-rabat.org/en/>.

<sup>27</sup> Council of the EU, *Council conclusions on the external aspects of migration*, Brussels, 23 May 2016. Available at: <http://data.consilium.europa.eu/doc/document/ST-9111-2016-INIT/en/pdf>.

## Recommendations:

UNHCR recommends that the Presidencies:

- Advocate for the EU and its Member States' political and financial support for the implementation of the humanitarian-development nexus, as spelled out in the April 2016 Communication and May 2016 Council Conclusions.

**December 2016**