



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 May 2008 (27.05)
(OR. fr)**

**9460/08
ADD 2**

**ASIM 39
COAFR 150
COEST 101**

ADDENDUM TO "I/A" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee / Council
Subject : Joint Declaration on a Mobility Partnership between the European Union and the Republic of Cape Verde

The Republic of Cape Verde, the European Community and the participating Member States of the European Union, namely the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg and the Portuguese Republic (hereinafter referred to as "the Signatories");

ACTING in the existing framework for their cooperation, in particular the Cotonou Partnership Agreement and the Special Partnership between the European Union and the Republic of Cape Verde (hereinafter referred to as, respectively, "the EU" and "Cape Verde") approved by the Council of the European Union on 19 November 2007, and its Action Plan, which refer specifically to migration questions;

RECOGNISING the benefits and opportunities that well managed migration can bring to migrants and the Signatories alike;

CONFIRMING their commitment to facilitating the movement of persons between Cape Verde and the EU, whilst working to ensure better management of migration flows including illegal migration flows;

RECALLING the Global Approach to Migration adopted by the Council of the European Union and, in particular, the Council conclusions of 10 December 2007 on mobility partnerships and circular migration in the framework of the Global Approach, the European Commission communication of 16 May 2007 on circular migration and mobility partnerships between the European Union and third countries, the declaration and action plan adopted at the Rabat Ministerial Conference on Migration and Development in July 2006, and WELCOMING the adoption on 9 December 2007 by the Second EU-Africa Summit of a Partnership on Migration, Mobility and Employment;

CONSIDERING the bilateral agreements on migration which have already been concluded by Cape Verde with certain Member States;

HAVE DECIDED on a Mobility Partnership based on reciprocity and with the objectives of facilitating the movement of persons between their territories, as well as legal migration, in particular circular and temporary migration, developing genuine cooperation on migration and development, and preventing and combating illegal immigration, smuggling of migrants and trafficking in human beings, including the promotion of an effective readmission and return policy, while respecting human rights and taking into account the situation of migrants and the socio-economic development of the Signatories.

To this end, they will further develop their dialogue and cooperation on migration issues, in particular with a view to endeavouring to:

Mobility, legal migration and integration

1. Promote a better framework for legal mobility, supported by a strengthening of information, integration and protection measures for migrants, while exploiting existing labour market opportunities, and reducing the risks linked to illegal migration and trafficking in human beings;
2. Inform potential migrants about legal migration channels to the EU, employment opportunities in the Member States on the basis of national labour market situations, and the dangers of illegal migration and illegal work; provide information about the labour market situation in Cape Verde; promote pre-departure training and support measures for temporary workers and encourage circular migration of workers;
3. Strengthen Cape Verde's institutional and administrative capacity to manage migration, including in the areas of asylum and refugee protection, through training and the exchange of experts and best practices. The emphasis will be placed on legislative actions, institutional and operational development, and the promotion of migration policies;
4. Improve the social protection of legal migrants;
5. Develop a dialogue on short-stay visa issues to facilitate the mobility of certain categories of person;

Migration and development

6. Foster cooperation with Cape Verdean communities abroad by strengthening links with the diaspora, and assist the diaspora in their efforts to contribute to the development of Cape Verde; contribute to the reform of the financial sector in order to create favourable conditions for investment by the diaspora in their country of origin, facilitate transfers by migrants and encourage the introduction of financial products adapted to the needs of migrants and of transfer beneficiaries with a view to increasing the impact of such transfers on the development of Cape Verde and encouraging the use of such transfers for investment purposes;
7. Mitigate the adverse effects of the emigration of highly qualified persons and develop appropriate responses, in particular through temporary or permanent return policies aimed specifically at highly qualified Cape Verdean migrants and European nationals of Cape Verdean origin; promote the temporary migration of highly qualified Cape Verdean citizens for the purpose of improving their qualifications, and facilitate the recognition of skills and qualifications; foster exchanges of students, researchers and specialists and develop training and temporary work programmes;
8. Support voluntary return and the lasting reintegration of returning migrants by putting in place the appropriate mechanisms; inform Cape Verdean citizens abroad about the labour market situation, employment prospects and business opportunities in their home country, as well as about return possibilities; strengthen cooperation on training of migrant workers who are prospective returnees; contribute to the development of entrepreneurship and strengthen the legal framework for investment and business; and promote reflection on the social dimension of migration in the country of origin;

Border management, identity and travel documents, fight against illegal migration and trafficking in human beings

9. Step up efforts to combat illegal migration and trafficking in human beings, as well as strengthening air and sea border management capacities; improve the security of travel documents, identity documents and residence permits; develop Cape Verde's capabilities in relation to surveillance and search and rescue at sea;
10. Facilitate twinning projects and initiatives by Member States in the area of border management, taking into account the role of the Frontex agency (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) as a facilitator and/or coordinator of operational cooperation on security management at borders between Member States and third countries;
11. Within the framework of a working arrangement, promote the development of extensive operational cooperation between the Frontex agency and the Cape Verdean authorities, represented by the Cape Verdean National Police, with the aim of combating illegal immigration and related cross-border crime by means of border controls, as well as reinforcing security at the borders between the Member States of the European Union and Cape Verde;
12. Develop a dialogue on the question of the readmission of persons residing without authorisation, in order to ensure efficient cooperation for their return;
13. Carry out information and warning campaigns to make the population aware of the risks associated with illegal immigration and of the dangers of exploitation and trafficking in human beings;

Implementation

14. The Mobility Partnership is conceived as an open-ended, long-term framework based on a political dialogue, which will be developed within the general context of the existing relations between the European Community and its Member States and Cape Verde, and will evolve over time;
15. The EU intends to contribute to the implementation of the partnership through initiatives by the Community and the participating Member States, within the limits of their respective competences, in accordance with the applicable procedures and with due regard for the principle of Community preference. The Community agencies, in particular Frontex, will be involved in the implementation of the Partnership. The Partnership remains open to any other Member State wishing to participate;
16. In order more accurately to define migration issues of common interest, the Signatories intend to develop a migration profile of Cape Verde and pursue their dialogue and consultations in a spirit of partnership. They intend to meet at least twice a year at the appropriate level in order to review priorities and continue to develop of the Partnership, as the case may be. The Partnership will be implemented at operational level by the Local Monitoring Group set up under the Special Partnership and to which the various other actors involved in the Mobility Partnership will be associated as appropriate;
17. With a view to implementing the Mobility Partnership, the Signatories confirm their intentions with regard to the initiatives set out in the Annex hereto (hereinafter referred to as "the Annex"), within the limits of their available financial means. They intend to carefully coordinate their respective efforts and update the Annex, which contains a list of proposed activities, on a regular basis;
18. If appropriate, the Signatories will make an evaluation of this partnership;

19. The provisions of this joint declaration are not designed to create legal rights or obligations under international law.

Done at

For the Republic of Cape Verde

For the European Community

For the Kingdom of Spain

For the French Republic

For the Grand Duchy of Luxembourg

For the Portuguese Republic

Annex on proposed activities

Within the framework of their Mobility Partnership, the Participants confirm their intention to take the following initiatives:

1. Monitoring and awareness of migration flows

Objective: Analyse migration flows to determine needs and enhance the efficiency of migration policies

- (i) Proposal to draw up and regularly update a detailed migration profile of Cape Verde to assist decision-makers in Cape Verde to define and implement the most appropriate policies and to help the various donors to support those efforts in the best possible way. The document will provide a clearer insight into the migration phenomena affecting Cape Verde and their impact on the country's development, and into the situation of the Cape Verdean population or people of Cape Verdean origin living abroad, particularly in the EU.

2. Employment, management and facilitation of legal migration and integration

Objective: Develop employment opportunities in Cape Verde and abroad, facilitate and properly manage legal emigration of Cape Verdean citizens, in particular for the purpose of employment, and improve the integration of Cape Verdean migrants in their host societies

- (i) Based, inter alia, on the experience gained when establishing the "Centro de Apoio ao Migrante no País de Origem" (CAMPO), proposal by the Portuguese Republic to develop, with the support of the Community and other interested Member States and in conjunction with the Cape Verdean authorities, the activities of CAMPO, whose role could consist of providing information to prospective migrants on legal migration opportunities in the participating Member States and on employment opportunities in both Cape Verde and those Member States, pre-departure preparation and training services, and information and assistance services to Cape Verdean migrants wishing to return to their country of origin to pursue employment or self-employment there (support for economic and social reintegration).

- (ii) Proposal by the Portuguese Republic to continue to promote the admission of certain categories of Cape Verdean worker, particularly on a temporary basis and with a view to circular migration, through the signing of a new protocol on migration questions with the government of Cape Verde extending the scope of the Protocol on the temporary migration of Cape Verdean workers to work in Portugal, signed by the two parties on 18 February 1997.
- (iii) Proposal by the Portuguese Republic to develop a bilateral cooperation instrument between the Portuguese Republic's Institute for Employment and Vocational Training (IEFP) and its Cape Verdean counterpart, with the aim of simplifying and boosting the efficiency of worker migration procedures.
- (iv) Proposal by the Kingdom of Spain to launch, for the benefit of Cape Verde, a schools/workshops programme aimed at facilitating the integration of apprentices, particularly through training actions tailored to the Cape Verdean labour market, to meet labour needs identified by that country. Other interested Member States and the European Community could join the programme if they so wished. The Kingdom of Spain also proposes to support the development of business initiatives by women.
- (v) Proposal by the French Republic to open a certain number of professional activities to Cape Verdean migrants and no longer to maintain objections based on the employment situation in the sectors concerned. The opening up of the labour market in this respect will be a component of the bilateral agreement on concerted management of migratory flows.
- (vi) Proposal by the signatory Member States to foster the development of existing partnerships between the University of Cape Verde and higher education institutions in the EU, and to foster the conclusion of similar partnerships with other institutions, notably with a view to promoting exchanges of students and teaching staff, particularly through the award of grants. The European Community would support those efforts under existing programmes supporting cooperation between higher education institutions. The Member States concerned would facilitate the issue of residence permits for the purpose of such exchanges, with due regard for the existing Community rules.

- (vii) Proposal by Cape Verde and the Member States concerned to explore the possibility of developing, within the appropriate fora, a dialogue on issues relating to the integration and treatment of third-country nationals residing on the territory of the Signatories.
- (viii) Proposal by the Grand Duchy of Luxembourg to study the possibility of setting up an initiative on temporary circular migration with Cape Verde.
- (ix) Proposal by the Grand Duchy of Luxembourg to develop and strengthen the "Migrer les yeux ouverts" ["Migrating with open eyes"] programme to familiarise future Cape Verdean migrants under family reunification with the social, linguistic and other realities of life in Luxembourg.
- (x) Proposal by the Grand Duchy of Luxembourg to offer twinning between partner universities.

3. Mobility and short-stay visas

Objective: Facilitate mobility between Cape Verde and the European Union by means of short-stay visas

- (i) Proposal by the European Commission to submit a recommendation to the Council of the European Union with a view to obtaining negotiating directives for a facilitation agreement concerning the issue of short-stay visas. This initiative falls within the wider context of a dialogue on visa matters to be held in the joint working party in charge of following up on this Declaration.
- (ii) Proposal by the Portuguese Republic to set up a Common Visa Application Centre for short-term visas in Praia.

4. Links between migration and development, diasporas, money transfers

Objective: Encourage the Cape Verdean diaspora to contribute to the development of their country of origin, in particular through transfers of money and skills, and facilitate circular and/or return migration to mitigate the effects of the emigration of highly qualified persons

- (i) Proposal by the Portuguese Republic to continue its support for the activities of the Instituto das Comunidades in migration and development matters, particularly through the "DIAS de Cabo Verde" project, which aims to foster circular migration of highly qualified migrants and is already co-financed by the European Community under the Aeneas Programme. The project would enable the development of circular migration by supporting partnerships between institutions in Cape Verde and the countries of emigration. The Kingdom of Spain proposes to contribute to these efforts through its support for the "Mobilising Cape Verdean Skills Abroad" programme, managed by the Instituto das Comunidades.
- (ii) Proposal by Cape Verde and the participating Member States to foster cooperation and partnerships between their hospital and research institutions, particularly with a view to strengthening the capacities of the Cape Verdean institutions, reducing the effects of the lack of qualified staff in the field of health in Cape Verde and encouraging exchanges of staff. In this context, a proposal by the Kingdom of Spain to launch a programme to strengthen the capacities of the Cape Verdean national health system, and a proposal by the Portuguese Republic to support the Cape Verdean national health system in the fields of haemodialysis and oncology.
- (iii) Proposal by the French Republic to develop, within the framework of a bilateral agreement on concerted management of migratory flows, a co-development programme for the benefit of Cape Verde under which Cape Verdean migrants legally established in France and French citizens of Cape Verdean origin could contribute, through transfers of money, skills or other resources, to the development of Cape Verde and carry on economic activities there on the basis of experience already acquired in other countries.

- (iv) The programme would have five parts:
- Promoting the reduction of the cost of money transfers;
 - Promoting productive investment;
 - Mobilising the skills of elites within the diaspora;
 - Support for local development projects;
 - Support for young people's initiatives.

5. Asylum and immigration

Objective: Assist Cape Verde to establish an asylum system which meets international standards

- (i) Proposal that Cape Verde ratify and fully implement the 1951 United Nations Convention on the Status of Refugees and its 1967 Protocol.
- (ii) Proposal by the Portuguese Republic to provide Cape Verde with technical assistance and expertise to establish an asylum system which meets international standards, drawing on European experience in this area.

6. Cooperation on border management, identity and travel documents, and the fight against illegal migration and trafficking in human beings

Objective: combat illegal migration and trafficking in human beings and improve border management and document security

- (i) Proposal that Cape Verde take steps to ensure effective implementation of the United National Convention against Transnational Organised Crime and its Protocols on smuggling of migrants and trafficking in persons, as well as compliance with its international obligations in relation to rescue at sea.

- (ii) Proposal that the operational arrangement that the Frontex agency and Cape Verde, represented by the Cape Verdean National Police, have mutually agreed to conclude, should cover activities in the field of information exchange and risk analysis, training, research and development, coordination of joint operational measures, and an active discussion on the improvement of technical equipment and technology at borders, while examining the scope for increased cooperation in the area of joint return operations, best practices and improvement of operational interoperability between the border guard organisations of the Member States and Cape Verde.
- (iii) Joint proposal by the Frontex agency and Cape Verde that the "Frontex Common Core Curriculum for Border Guard Basic Training" and the advanced training programme on the falsification of documents be implemented by the Cape Verdean National Police, and that provision be made for the improvement of both instruments on an ongoing basis.
- (iv) Proposal by the European Community and the Member States concerned to facilitate the establishment of police cooperation with Cape Verde and, in particular, between Cape Verde and Europol (the European Police Office) in terms of exchange of information on the fight against networks engaged in smuggling of migrants and trafficking in human beings.
- (v) Pursuant to the provisions of Article 13 of the Cotonou Agreement, proposal by the European Commission to submit a recommendation to the Council of the EU with a view to obtaining negotiating directives for an agreement on readmission of persons residing without authorisation covering third-country nationals and stateless persons.
- (vi) Proposal by the Portuguese Republic to undertake projects aimed at strengthening the capacities of the Cape Verdean authorities, particularly in the following areas:
- Strengthening the system for recording information on entries, exits and stays of foreigners on Cape Verdean territory (including a system for registering and issuing residence permits);
 - Continuing the installation of a more effective control system at the air borders;

- Introducing biometric features in travel documents;
 - Trainer training actions in the area of air and sea border control, documentary fraud, fingerprints and police control and investigation techniques;
 - Information and awareness-raising campaigns about the dangers of trafficking in human beings.
- (vii) Proposal by the Kingdom of Spain to strengthen the capacities of Cape Verde in relation to maritime security in its maritime zone and, in particular, to vessel inspection, surveillance and search and rescue at sea. It will contribute to sea patrol and surveillance operations against illegal migration flows with Cape Verde and will offer air resources and training courses for pilots and maintenance staff. Additionally, the Kingdom of Spain proposes to continue the "Seahorse" project, in particular by setting up a cooperation centre in Cape Verde. Lastly, in the context of police cooperation, it proposes that the telecommunications capacities of the Cape Verdean authorities be improved and that training actions continue to be undertaken in various fields for the benefit of the Cape Verdean authorities.
- (viii) Considering the humanitarian tragedy associated with illegal migration, the Kingdom of Spain proposes the strengthening of the National Red Cross Society in Cape Verde.
- (ix) Proposal by the Kingdom of Spain to reinforce the capacity of the Ministry of Defence in respect of new information and communication technologies.
- (x) Proposal by the French Republic to cooperate with Cape Verde on security (fight against drugs trafficking and illegal immigration) and training in document control, and to step up its contribution to border management efforts coordinated by the Frontex agency.

