



**COUNCIL OF
THE EUROPEAN UNION**



Council Conclusions on the management of migration from the Southern Neighbourhood

*3081st JUSTICE and HOME AFFAIRS Council meeting
Luxembourg, 11 and 12 April 2011*

The Council adopted the following conclusions:

"THE COUNCIL:

- a) Recalling the Declaration of the Extraordinary European Council on 11 March 2011 and the conclusions of the European Council on 24 and 25 March 2011;
- b) Recalling the Joint Communication of 8 March 2011 to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions - A partnership for democracy and shared prosperity with the Southern Mediterranean;
- c) Bearing in mind the discussions at the JHA Council on 24 and 25 February 2011;
- d) Recalling the Stockholm Programme and the European Pact on Immigration and Asylum, and the Global Approach to Migration;
- e) Underlining that the situation in the Southern Neighbourhood and its migratory consequences continues to be a cause of common concern, which requires measures to be taken as a matter of urgency, as well as responses in the medium and long term;

P R E S S

ADOPTS THE FOLLOWING CONCLUSIONS:

1. The Council acknowledges the great efforts of UNHCR, IOM, ICRC and other international organisations, as well as the support given by the EU and its Member States to these efforts in providing humanitarian assistance and other support to persons displaced by conflict in Libya, and underlines the importance of continuing and further expanding this assistance.
2. The Council expresses appreciation for the decision of Tunisia and Egypt, as well as other countries neighbouring Libya, to receive people displaced as a result of the recent conflict and to cooperate with UNHCR, IOM and other organisations in providing support and assistance to those people, and encourages these countries to continue offering such support and facilities in cooperation with relevant organisations.
3. The Council reaffirms the need for genuine and concrete solidarity towards Member States most directly concerned by migratory movements and calls on the EU and its Member States to continue providing the necessary support as the situation evolves, such as by assisting the local authorities of the most affected Member States in addressing the immediate repercussions of migratory flows on the local economy and infrastructure. The Council welcomes the Commission's intention to extend, with the support of the current and incoming Presidencies of the Council, the existing pilot project, on a voluntary basis, for persons who are beneficiaries of international protection in Malta.
4. Considering the need for further resources to respond to the situation, the Council welcomes the intention of the Commission to mobilize supplementary funds that can be made available to Member States or FRONTEX at short notice when needed.
5. The Council calls on FRONTEX to continue to monitor the situation and prepare detailed risk analyses on possible scenarios with a view to identifying the most effective responses to them, and also invites FRONTEX to speed up negotiations with the countries of the region - and in particular with Tunisia - with a view to concluding operational working arrangements, and organising joint patrolling operations in cooperation with Tunisian authorities and in application of all relevant international Conventions, in particular the UN Convention on the Law of the Sea ("the Montego Bay Convention").
6. The Council urges Member States to provide further human and technical resources to support the Agency's operations, and in particular the existing Joint Operations Hermes, Poseidon Land and Sea and the possible deployment of a RABIT operation in Malta, in accordance with needs identified by the Agency in the light of the developing situation.
7. In order to rapidly strengthen the competences of FRONTEX and put more effective tools at its disposal, the Council agrees to accelerate negotiations on amending the FRONTEX Regulation, in cooperation with the European Parliament, with a view to reaching agreement by June 2011.
8. The Council underlines the need to promote all relevant forms of cooperation on a performance-based approach in the field of migration, mobility and security with the countries of the region that are sufficiently advanced in their reform progresses, and that effectively cooperate with the EU and its Member States in preventing illegal migration flows, managing their borders and cooperating in the return and readmission of irregular migrants. The Council stresses the need for early progress in the area of return and readmission in the case of relevant third countries, and recalls in particular that all States have an obligation to readmit their own nationals.

9. As additional funds will be necessary to develop cooperation with the authorities of the Southern Mediterranean and to assist them in the management of migration flows, the Council invites its competent preparatory bodies and the Commission to ensure that this objective is also taken into account.
10. The Council welcomes the outcome of the visits of the Presidency and the Commission to Egypt and Tunisia and the intention of the Commission to follow-up these visits by setting up dialogues with the authorities of these countries at senior officials' level, in which Member States will also participate, and which will be aimed at promoting the swift development of cooperation on the management of migration flows. This dialogue should in first instance, focus on the identification and promotion of measures which can contribute in a concrete and effective way to the prevention of illegal migration, to the effective management and control of their external borders, to the facilitation of the return and readmission of irregular migrants, and to the development of protection in the region for those in need, including through regional protection programmes. Subsequently, this dialogue could explore the possibilities for facilitating people-to-people contacts using instruments such as mobility partnerships.
11. The Council stresses the importance of offering durable protection solutions to those in need of international protection present in the countries of the Southern Neighbourhood, and, in this respect, calls on the Commission and the Council's preparatory bodies to examine the possibility of assisting those countries in capacity building in the area of international protection, including by activating existing regional protection programmes, and assessing the need for additional programmes in the region.
12. The Council recalls that resettlement of refugees on a voluntary basis, in particular those living for some years in a situation of protracted displacement and vulnerability, and having no other perspective, can represent a durable solution for them. The Council takes note of the willingness of certain Member States to consider offering resettlement opportunities for the refugees present in the region. The Council invites Member States to continue supporting UNHCR in the development of resettlement programmes and calls on the Commission to identify solutions for supporting financially such resettlement actions.
13. The Council underlines that the measures mentioned in the paragraphs above represent the immediate answer to the crisis situation in the Mediterranean, but that it is also crucial to put in place a more long-term sustainable strategy to address international protection, migration, mobility and security in general, and taking also the secondary movements to other Member States into account.
14. The Council welcomes the Commission's intention to come forward for that purpose with proposals in response to the Declaration of the Extraordinary European Council of 11 March and the Conclusions of the European Council of 24-25 March, and notes that the Presidency stands ready to convene an extraordinary meeting of the Council on 12 May if necessary in the light of developments and to further consider these matters."
