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**Rabat Process**  
Euro-African Dialogue  
on Migration and Development



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Thematic Meeting on  
**Asylum and International Protection  
in the Rabat Process Region**

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*15-16 June 2015  
Rabat, Morocco*

**Summary of Debate and Conclusions of the Co-chairs**

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## **SUMMARY OF DEBATE**

On 15 and 16 June 2015, over a hundred representatives of the partner countries, organisations and observers of the Euro-African Dialogue on Migration and Development (Rabat Process) met in Rabat, Morocco, to share their experiences in the area of asylum and international protection. The objective of the meeting was to identify ways to strengthen and develop national protection systems, with a view of improving regional cooperation on these topics within the Rabat Process region.

International protection is a priority topic highlighted by the 4<sup>th</sup> pillar of the Rome Programme, adopted at the fourth Euro-African Ministerial Conference on Migration and Development in Rome, Italy, in November 2014, which marked the beginning of the fourth phase of the Rabat Process.<sup>1</sup> The adoption of this new pillar, entitled “Promoting International Protection”, further strengthened the balanced approach towards migration that characterises the Rabat Process. Although relatively spared by major crises generating large population movements, the region of the Rabat Process faces growing challenges. In order to underline the importance attached to this thematic, the Steering Committee of the Rabat Process<sup>2</sup> decided to dedicate the first meeting of the fourth phase of the Rabat Process to this topic, under the co-chairmanship of the Kingdom of Morocco and the Kingdom of Spain. High-level attendance by partner countries and organisations underlines the high-importance of asylum and international on various national and regional agendas and the critical challenges that it brings.

In their opening remarks, the co-chairs Mr Mustapha El Bouazzaoui, Director of Consular and Social Affairs at the Ministry of Foreign Affairs and Cooperation of Morocco and Ms Cristina Diaz Marquez, Director General for Home Affairs Policy at the Ministry of Interior of Spain highlighted the longstanding cooperation between their two countries and the pioneering character of this meeting in the Rabat Process framework, being not only the first meeting since the adoption of the Rome Programme but also the first meeting entirely dedicated to the topic of asylum and international protection. They highlighted that the challenges in the area are not negligible, partly because migration flows are increasingly mixed. Migrants require a tailored response from authorities, particularly regarding vulnerable migrants such as women or unaccompanied minors. Thus, the co-chairs recalled the importance of developing appropriate national policies taking into account these issues. They mentioned Morocco’s new draft asylum law as an initiative with pioneering character in the region and a practice to be emulated by other countries in the region. In this context, the co-chairs highlighted the overarching goal of the meeting which should strive towards the creation of a consensus among the countries taking part in the Rabat Process to further develop capacities of asylum systems. Hence, a true space of international protection could be created, covering the entire Rabat Process region.

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<sup>1</sup> The Rome Programme defines the strategic framework of the Rabat Process for the period of 2014-2017 and established political objectives structured around four pillars.

<sup>2</sup> The Steering Committee (*Comité de Pilotage – CoPil*) is composed of Belgium, Burkina Faso, Equatorial Guinea, France, Italy, Mali, Morocco, Portugal, Senegal and Spain, as well as the European Commission (EC) and the Commission of the Economic Community of West African States (ECOWAS)





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These opening remarks were followed by the statement of Mr Michael Köhler, Director for Neighbourhood Policy at the Directorate General (DG) for Neighbourhood and Enlargement Negotiations (NEAR) of the European Commission (EC). Mr Köhler underscored the importance of dialogue between countries of origin, transit and destination in order to reap the benefits of migration and mobility. In this respect, he highlighted some of the most important European Union (EU) frameworks. This includes the European Agenda on Migration which provides concrete lines of action in the medium and long term, while following a comprehensive approach to migration. In this respect, he particularly highlighted the EU's Regional Development and Protection Programmes (RDPP) that aim at supporting refugees in countries of first asylum and their host communities alike. In this context, Mr Köhler recalled that long term engagement was of utmost importance for the success of the RDPP.

Mr Peter Sutherland, Special Representative of the Secretary General of the United Nations (UN) for International Migration and Development welcomed this meeting as a unique opportunity for constructive dialogue. Mr Sutherland underscored the importance of harnessing the positive contributions of migrants to enable them to contribute to their families, their countries of origin and countries of destination. This could, inter alia, be facilitated by framing migration as a positive phenomenon. Mr Sutherland applauded the EU for the measures proposed to create a Common European Asylum system. At the same time, he emphasised the fundamental importance of opening legal channels for asylum seekers aiming to seek refuge in Europe, as saving lives could not be the only solution to the tragedies in the Mediterranean. Furthermore, good governance and institution building should be supported in countries of origin and barriers to mobility should be broken down. Mr Sutherland also recalled that 2015 is a year marked by several crucial events in the area of migration, including the adoption of the Post-2015 Development Agenda. What is more, the up-coming EU-Africa Summit on Migration should, aim to address the following issues:

- Search and rescue operations to save lives and combat smuggling;
- The respect for human rights;
- The expansion of legal migration opportunities, such as family reunification, legal temporary work visas and seasonal labour migration schemes;
- Coordinated action to advance the reform of migration regimes, such as voluntary repatriation and cooperation between regional agencies;
- Sharing the burden of asylum applications within the EU, for instance through relocation mechanisms; and
- Assist North African countries in improving their asylum and migration policies.

The floor was then given to Ms Hiroute Guebre Sellassie, UN Special Envoy for the Sahel, who outlined the impact of migration flows on the Sahel region. Ms Guebre Sellassie reminded the plenary that the Sahel region constitutes a zone both of transit and origin of migrants and that the Sahel countries faced great difficulties in dealing with these unforeseen flows. As an example she mentioned the case of the

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Nigerien city of Agadez where it is estimated that around 2,000 migrants transit every week. The solutions, she stated, could involve tackling root causes and consolidating legal frameworks. In this regard, Ms Guebre Sellassie also underscored the role of the Sahel G5 and the UN Integrated Strategy for the Sahel, addressing issues related to Governance, Security and Resilience. She recalled that the strategy prioritises life-saving activities that meet immediate needs, while building the resilience of people and communities as part of a long-term development agenda.

Ms Ann Encontre, Deputy Director of the Bureau for Africa and Regional Refugee Coordinator for the South Sudan Situation of the UN High Commissioner for Refugees (UNHCR) highlighted the importance of strengthening national capacities and welcomed that UNHCR had been given the mandate to cooperate closely with States to this end. She announced UNHCR's Special Mediterranean Initiative, a plan for enhanced operational response including measures targeting people who might attempt to cross the Mediterranean irregularly. She also called on countries to bolster efforts to share responsibilities, stating that specifically countries of first asylum should not be left to shoulder the burden alone. Ms Encontre pleaded that despite the daunting scale and complexity of migration challenges they should be perceived as an opportunity to think more holistically about development issues.

Mr Hassan Abdel Moneim Mostafa, Regional Representative of the International Organization for Migration (IOM) in the Middle East and West Asia, provided several suggestions on how the migratory challenges in the Rabat Process region could be addressed. The top priority is to save lives and protect human rights but also to provide systemic structural solutions, including opening legal and safe migration channels, such as family reunification, labour migration schemes, circular mobility and student mobility. Mr Mostafa emphasised that root causes of migration need to be addressed and responsibilities shared between countries of origin, transit and destination. This also requires the implementation of measures to combat migrant smuggling, as highlighted by the Rome and Khartoum Declarations. Mr Mostafa also emphasised that decriminalisation of irregular migration would be an important step and applauded the efforts of the Kingdom of Morocco in this regard.

Mr Ralph Genetzke, Head of Mission of the International Centre for Migration Policy Development (ICMPD) in Brussels addressed the plenary and highlighted the success of the Rabat Process which, over the last decade, had become a solid framework for dialogue and action. Mr Genetzke underlined the dialogue's comprehensive approach and flexibility to address current challenges faced in the region. He also underscored the importance of sharing good practices and building capacities as part of increased operationalisation of the dialogue. In this context, he highlighted activities implemented by the Support Project that built on the strong commitment and ownership of states of the Rabat Process. These activities include the development of Guides on the Use of Migration Data, the elaboration of infographics sharing good practices, a database of more than 300 initiatives ongoing in the region and short-term technical assistance, available on demand of the beneficiaries.

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The **first session** led to the identification of the main challenges and to the presentation of the **context** of the meeting.

Ms Nelly Robin, expert of the CEPED (IRD-Paris Descartes) and MIGRINTER (CNRS) kicked off the session with her presentation of the meeting's background document, providing an overview of the growing challenges in terms of asylum and international protection in the region of the Rabat Process. Ms Robin explained that protracted conflicts within the Rabat Process region as well as the recent humanitarian consequences of the conflict in Syria had a strong impact on the region. Ms Robin recalled the legislative framework governing questions of asylum and international protection within the Rabat Process region and outlined several shortcomings of the current system that would need to be addressed. Ms Robin also presented a map created especially for the purpose of this meeting, featuring graphs showing UNHCR data on refugees and asylum seekers. The figures showed that the African Rabat Process region includes not only countries of origin and transit but also countries of destination of refugees and asylum seekers. In 2013, the Rabat Process partner countries were hosting 2,500,000 refugees. Ms Robin highlighted that five African Rabat Process countries, particularly Chad and Egypt, were among the ten African countries hosting the biggest populations of refugees and displaced people in Africa. The European Rabat Process countries, more precisely the EU Member States, had experienced an increase of 43% in the number of asylum seekers from 2013 to 2014.

Then, the declarations of the representatives of **France**, **Côte d'Ivoire** and of the **Central African Republic** shared their different national experiences on matters relating to asylum and international protection.

Mr Michel Amiel, Deputy Head of the Strategy and International Affairs Department of Ministry of Interior of France recalled that both North-South and South-South migration flows in the Rabat Process region entail challenges that need to be addressed. He emphasised that, compared to 2007, France experienced a relatively large increase in asylum applications. This led to the necessity to carry out the ongoing reform of France's asylum legislation in order to improve reception conditions and ensure efficient procedures. At regional and international levels, Mr Amiel underlined that France supported the efforts of the EU, including its new European Agenda on Migration and the RDPP in North Africa. He also highlighted France's involvement in EU mobility partnerships with Morocco and Tunisia. Another country receiving particular assistance is Niger, where France supports projects on border management and reception centres for migrants. Finally, Mr Amiel highlighted the importance of developing functioning reception facilities and asylum procedures, accompanied by return and reintegration programmes for migrants and training for African officials on these matters.

Mr Thimotée Ezouan, Director of Humanitarian Affairs and NGOs at the Ministry of Foreign Affairs then presented the case of Côte d'Ivoire as a country with a longstanding history as a host country of

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migrants and asylum seekers. He recalled mass refugee influx caused by conflict and crises<sup>3</sup> that had reached Côte d'Ivoire and highlighted the importance of socio-economic integration of refugees into host societies and expanding options for voluntary return. Mr Ezouan then outlined the institutional framework Côte d'Ivoire had put in place to deal with refugees and asylum seekers. In particular, he highlighted the work of the Service for Help and Assistance to Refugees and the Stateless (*Service d'Aide et d'Assistance aux Réfugiés et Apatrides* – SAARA), which was in charge of the refugee determination process as well as of providing legal protection and assistance to refugees, in collaboration with UN agencies and other national and international organisations.

For his part, Mr Alain Victoire Nabeza Dimbele, Police Commissioner at the General-Directorate for Emigration and Emigration attached to Ministry of Security of the Central African Republic, started his presentation by explaining the political and legislative frameworks of the Central African Republic related to migration, asylum and international protection. Mr Nabeza Dimbele outlined the consequences of the political crisis in his country on the movements of refugees and displaced people. The generalised nature of the conflict had led to the creation of camps of internally displaced people in all parts of the country. In this context, Mr Nabeza Dimbele highlighted that vulnerable persons would need particular protection since they were not sufficiently covered by classic instruments.

During the ensuing **plenary discussion**, the following points were raised:

- The complexity of mixed migration flows was further emphasised and while not all migrants in these flows were refugees, the overwhelming majority came from precarious situations. Thus, assistance to countries of origin would be essential to stop tragedies in the Mediterranean Sea.
- Root causes such as long-lasting conflicts, poverty and interreligious and political conflicts need to be addressed in a long-term perspective. At the same time, the framework for legal migration should be strengthened.
- Countries shared their national experiences regarding the development of legislation in the area of migration, asylum and international protection such as in Mauritania and Niger. This was particularly highlighted in the context of developing better responses to migration and refugee flows. Refugee host countries in Africa were faced with considerable challenges relating to security, lack of space and vulnerability of refugees and the host society.

The session on the **humanitarian consequences of interregional crises** consisted of two round table discussions on two distinct geographic regions of the Rabat Process, notably the Central Mediterranean and the West and Central African countries concerned by the Boko Haram insurgency.

The first round table addressed the question **“Which collective action in response to the humanitarian crisis in Central Mediterranean?”**

<sup>3</sup> Examples included flows from the Republic of Guinea, Nigeria, the Republic of the Congo, the Democratic Republic of the Congo (DRC), Liberia, Sierra Leone and Rwanda.







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Ms Inmaculada Arnaez, Fundamental Rights Officer at the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) addressed the topic first. Ms Arnaez underscored the important links between border control and international protection, as border guards played an important role in ensuring access to asylum, as reflected in the EU Asylum Procedures Directive. Ms Arnaez highlighted that successful border management contributed to the respect of human rights of migrants, especially of those who were particularly vulnerable. In this respect, challenges are numerous for border authorities in the EU and reception capacities are stretched to their limits as this year alone, the EU experienced an increase of 40 percent in asylum applications. Furthermore, Ms. Arnaez highlighted that Frontex operations respect fundamental rights especially through the referral of asylum seekers and specific attention given to victims of trafficking of human beings and children at borders. She then outlined the involvement of Frontex in the Mediterranean, including the TRITON, POSEIDON and INDALO joint initiatives.

Ms Carmelita Ammendola, Head of Unit III, External and International Relations of the Ministry of Interior of Italy then took the floor to present suggestions on how to deal with the humanitarian crisis in the Mediterranean Sea. Ms Ammendola underscored the importance of long term solutions, including resettlement programmes within the EU and assistance to transit countries in order to provide forced migrants the opportunity to stay closer to their home country and avoid their recourse to smuggling networks. Action should be taken to ensure integration into host societies, especially given that around 86% of the global refugee population is hosted by developing countries. Local communities should be assisted in this task and integration into host societies should be supported. Otherwise, the knowledge and human resources that migrants and refugees could contribute may be left untapped. Ms Ammendola also stated that institutional capacities in the collection of data on mixed migration flows should be strengthened, including capacities regarding profiling of migrants. At the same time, authorities should also run awareness raising programmes that communicate an accurate picture of the perilous journey to potential migrants.

Representatives of international organisations then took the floor. First, Ms Areti Sianni, Senior Protection Officer at the Regional UNHCR Bureau for the Middle East and North Africa spoke about the current situation in the Mediterranean, which is not unique and where a growing number of displaced persons migrate and take increasingly perilous journeys to seek safety and better lives. The situation in the Mediterranean, she outlined, was marked by several different migration flows. While flows in the Central Mediterranean are predominantly mixed (including nationals from Gambia, Senegal, Somalia, Syria, Mali, Nigeria, and Eritrea) the situation in the Eastern Mediterranean, particularly in Greece, is primarily a refugee situation with arrivals of mostly Syrian and Afghan nationals. Ms Sianni emphasised that people have mixed reasons for migrating but that migration at sea are mostly a byproduct of restrictive policies relating to borders, legal migration and visa. Deterrent measures, she stated, are not contributing to curbing irregular flows in the Mediterranean but rather to shifting migration routes.

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Ms. Reem Alsalem, Senior Policy Officer at the UNHCR Regional Bureau for Europe presented a number of actions UNHCR advocates to improve the situation in the Mediterranean. She called for strengthening solidarity within the EU but also towards migrants by creating sufficient channels for legal migration, such as labor migration, issuance of student visas and resettlement options. She also highlighted the importance of facilitating access to durable solutions. In this context, Ms Alsalem welcomed the European Agenda on Migration and its proposal for a temporary redistribution mechanism to relocate asylum seekers and an EU wide resettlement scheme to which the High Commissioner for Refugees urges all EU countries to participate. The June 2015 UNHCR's Special Mediterranean Initiative focuses on improving access to asylum, reception capacities and identification of vulnerable people as well as the dissemination of information and messages providing an accurate picture of the risks related to irregular migration. Furthermore, the initiative aims at expanding access to solutions such as resettlement or other legal avenues.

Then, Ms Anna Fonseca, Head of IOM Mission to Morocco, presented key action areas to improve the situation in the Mediterranean in the short and long term. She emphasised the necessity of carrying out data collection and mapping exercises to identify passing points but also of taking actions to improve the situation of migrants and asylum seekers in the short term. This may include providing shelter, medical and psychological support. In addition, Ms Fonseca called for further strengthening of measures to support Assisted Voluntary Return and Reintegration (AVRR), Migrant Resource and Response Mechanisms (MRRMs) and Humanitarian Border Management (HBM) in countries of origin and transit. She also emphasised that root causes of irregular migration should be addressed, including by providing support to economic development in countries of origin, by further improving border management, by conducting well-targeted information campaigns and by facilitating interregional dialogue on migration management.

During the ensuing **plenary discussion**, the following points were raised:

- The importance of migration data collection and analysis was highlighted, particularly with regard to its usefulness in the design of migration policies and information campaigns in the countries of origin.
- Participants debated possible measures to give incentives to refugees and asylum seekers to apply for asylum already in countries of transit. The importance of developing national capacities and building national asylum systems was emphasised in this regard.
- The important role of contingency planning to increase preparedness for mass mixed migration flows was highlighted.

The second round table addressed the question **“Which preventive, planning and rapid response mechanisms to counter the humanitarian consequences of the Boko Haram menace?”**

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Mr Bello Shehu Ringim, Director of the Consular and Immigration Services Department of the Ministry of Foreign Affairs of Nigeria presented the country's response to the humanitarian crisis caused by the Boko Haram insurgency in Northern Nigeria. Mr Ringim recalled that since May 2013, a state of emergency had been in place in Borno, Yobe and Adamawa. In these three Nigerian states, Mr Ringim outlined, around 1,301,763 people were currently internally displaced of whom only about 10% were living within one of the 32 formal camps while about 90% were living within host communities. Mr Ringim outlined measures taken by the Nigerian government, in cooperation with international organisations, including the establishment of the Joint Task Force (JTF) and actions to improve camp management, such as through trainings to deploy qualified camp staff (camp managers, doctors, nurses) and by providing education programmes for displaced children. He also noted the significant impact on the entire region due to spill over to neighbouring countries and called for increased international cooperation and coordination among countries concerned, as most hazards in the West African sub-region were trans-border in nature. Neighbouring countries may be able to provide valuable help to one another in evaluating risk, mitigating, forecasting, developing and communicating early warnings, and responding to disasters.

Ms Brigitte Mukanga Eno, UNHCR Senior Legal Officer for West Africa, then focused on the impact of the Boko Haram insurgency on Nigeria's neighbouring countries. With close to 200.000 people having crossed the borders from Nigeria to neighbouring countries, the impact on the region was considerable, she stated. In addition, the population in Northern Nigeria was already a mixed population also including persons originally from Niger or other West African countries, as Ms Eno highlighted. Thus, a particular challenge arose as these people fled to neighbouring countries. Ms Eno explained that due to the lack of identification documents, it was difficult to determine the nationality of those requiring protection which, as a consequence, entailed a risk of statelessness. In addition, she stated, there was a risk of secondary displacement of people who already had fled from Nigeria to Niger or other countries, as resources in host communities were scarce. In addition, the Boko Haram insurgents also attacked communities in neighbouring countries, such as Cameroon, where border areas were very little developed and access to the displaced persons was difficult. Ms Eno called for increased capacity building for the concerned governments and assistance to increase livelihood opportunities for the displaced persons.

The **plenary discussion** then allowed looking in more detail at certain particularities of the West and Central African context.

- Participants welcomed the cooperation among countries concerned by Boko Haram and highlighted the necessity of such an approach due to the permeability of borders.
- The lack of awareness about civil status registration among the population in Nigeria would increase their risk of becoming stateless. To organise repatriation in this context, participants recommended the creation of Joint Commissions at bilateral level.





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- Participants also highlighted the extreme vulnerability of the host communities and the necessity to address specific needs of both refugees and the host society, particularly related to schooling and health.

**Day two** of the meeting started with a session focused on the **implementation of regional programmes, strategies and policies in the area of asylum and international protection** which was illustrated by the presentation of two regionally specific cases.

The **first case** highlighted Morocco's progress in terms of strengthening its national asylum system, as a contribution to the topic **"Developing national asylum systems: a first step towards a regional protection system- The case of Morocco."**

Mr Mohammed Benjaber, Head of the Consular and Social Cooperation Division of the Ministry of Foreign Affairs and Cooperation of Morocco started by presenting the historic background to the country's current initiatives in the area of asylum legislation. Mr Benjaber highlighted that asylum legislation had become a question of relevance soon after Morocco's independence. In 1957, Decree Nr. 2-57-1256<sup>4</sup> was adopted which, most notably, created the Office for Refugees and Stateless Persons (*Bureau des Réfugiés et des Apatrides* – BRA). The Decree remained the basis for Morocco's asylum system for several decades and, despite being a concise document of only seven articles, had provided sufficient orientation in the area of asylum at that time. Mr Benjaber highlighted that in 2004, Morocco had started a reform process of its asylum legislation. In 2007, UNHCR had signed a seat agreement with Morocco and was put in charge of determining the status of asylum seekers. In 2013 however, the BRA re-opened and installed an ad hoc commission to examine the cases of 853 refugees recognised by UNHCR. The status of all persons who could be reached (554 persons) was confirmed by the BRA, with the exception of 8 persons whose mothers were Moroccan and thus eligible to apply for Moroccan nationality rather than refugee status. Since then, UNHCR and BRA had been carrying out the refugee determination procedure jointly, while Morocco's new asylum legislation has not yet entered into force. Mr Benjaber further highlighted that Morocco was hosting a large number of asylum seekers of Syrian origin. A large number of these persons had obtained their residence permit in the framework of an exceptional regularisation operation carried out between 1 January and 31 December 2014 (5250). Additional Syrian asylum seekers are currently being interviewed by the ad hoc commission (405 persons as of 31 May 2015).

This presentation was followed by Ms Hasna Tribak, Cabinet Member of the Moroccan Interministerial Delegation on Human Rights, who presented the work of the Sub-Commission in charge of upgrading the legislative and institutional framework concerning migration, trafficking and asylum. Ms Tribak explained that the starting point for the development of draft laws on these issues had been the Hautes Instructions Royales of 2013 in which King Mohammed VI had outlined his vision of a new migration

<sup>4</sup> Decree Nr. 2-57-1256 of 2 *safar* 1377 (29 August 1957) establishing the application modalities of the Convention Relating to the Status of Refugees, signed in Geneva on 28 July 1951.





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policy that should be humanist, comprehensive and in conformity with Morocco's international engagements. Ms Tribak highlighted that the drafting process of three laws on trafficking, immigration and asylum had been launched almost simultaneously and emphasised the consultative approach observed by the Sub-Commission in charge. It was noteworthy, as Ms Tribak emphasised, that part of the process had been to examine the asylum legislation of France, Belgium, Switzerland and Spain following a comparative law approach. In addition, also the German, Turkish and Mexican asylum legislation were analysed in order to inform the drafting process. The draft legislation, Ms Tribak stated, followed the objective of creating a true asylum system at national level with the asylum procedure at its core. Ms Tribak further highlighted that this framework was meant to further evolve with practice, as was the case in many European countries where asylum legislation was sometimes reformed as frequently as every two years. The draft legislation was currently with the Government's General Secretariat and should soon enter into force, Ms Tribak stated.

During the **discussion session**, participants debated several issues raised by the speakers and shared their national experiences:

- The usefulness of a deadline for asylum applications was debated and several countries shared the opinion that a deadline prescribed by law would not be beneficial but that an asylum application that is lodged very late may affect the credibility of the asylum seeker.
- Countries shared information about their national institutions in charge of asylum and international protection and highlighted the importance of adopting national laws relating to asylum and international protection.
- Mechanisms for family reunification were discussed and it was highlighted that these should be in line with the definition of the family in national law.

The **second case** that was presented pertained to the EU's **Regional Development and Protection Programmes (RDPP)**.

First, Ms Carmelita Ammendola shared Italy's national perspective as a leading country of the consortium<sup>5</sup> implementing the RDPP North Africa, launched on 15 April 2015. She started by highlighting the complexity of the mixed migration flows towards and within the Mediterranean which put countries of transit and destination under considerable pressure. One of the current responses to this situation from the side of the EU and its Member States were the RDPPs, intended to address the development and protection challenges in host countries for asylum seekers and host societies alike. Ms Ammendola outlined that successful implementation of the RDPP depended on a thorough needs assessment, ownership and collaboration of beneficiary countries. In this context, the following actions were currently envisaged within the RDPP North Africa:

- Capacity building to strengthen institutions managing migration flows and the legal framework;

<sup>5</sup> Italy (lead implementing state), Austria, Belgium, Czech Republic, Finland, France, Germany, Greece, Malta, Netherlands, Portugal, Spain, Sweden, Norway (associated state) and UNHCR and IOM (partners).





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- Migrant Resource and Response Mechanisms (MRRMs) to identify vulnerable migrants and provide support, access to basic services and to improve livelihoods;
- Assisted voluntary return programmes and resettlement to the EU;
- Information campaigns on irregular migration and trafficking;
- Support to host communities and host countries.

Mr Aleksandar Romanovic, Policy Officer at the Asylum Unit of the DG Migration and Home Affairs (HOME), then took the floor to outline the evolution of the RDPP instrument. He highlighted that the current second generation of protection programmes, unlike their predecessors, now included a development component. The need to address development-related issues within these programmes had been particularly highlighted by the EC communication 2013/869 on Task Force Mediterranean and implemented with the conception of the RDPP Middle East and most recently with RDPPs targeting North Africa<sup>6</sup> and the Horn of Africa<sup>7</sup>, which were currently in their inception phase. He explained that these two RDPPs had increased funding<sup>8</sup> at their disposal and were implemented jointly by state and non-state actors. Mr Romanovic ended his presentation by emphasising that successful implementation of the RDPP went hand in hand with drawing synergies from existing frameworks such as the Rabat Process, the Khartoum Process and Euromed IV.

Then, Ms Anna Bengtsson, Expert of the Unit for International Strategies attached to the International Affairs Department of the Swedish Migration Agency, shared her experiences stemming from another regional migration dialogue, the Prague Process<sup>9</sup>. In the framework of the Prague Process, seven pilot projects were being carried out with selected beneficiary countries, as Ms Bengtsson explained. Two of these projects related to asylum and international protection and were carried out in cooperation with the European Asylum Support Office (EASO) and UNHCR. The first of these projects is entitled “Quality and Training in the Asylum Process”. Ms Bengtsson highlighted selected activities, including the use of the EASO Inclusion module, the development of country specific training roadmaps and the elaboration of “Guidelines on Training in the Asylum Process”. The second of these projects, which was still ongoing, addressed “Quality in the Decision-Making in the Asylum Process” by focusing on training measures using jurisprudence and case law as well as role play and moot courts. Addressing the Rabat Process region, Ms. Bengtsson underlined that asylum caseworkers could also be sensitised and educated about new laws and regulations while these were not yet in force, in order to create a better basis for training sessions, once the law was applied.

<sup>6</sup> Beneficiary countries: Morocco, Tunisia, Algeria, Egypt, Niger, Mauritania and potentially Libya.

<sup>7</sup> Beneficiary countries: Ethiopia, Kenya, Sudan.

<sup>8</sup> DG HOME: 30 Mio. EUR for protection-related actions; DG NEAR: 3 Mio. EUR for development-related actions in North Africa; DG International Cooperation and Development (DEVCO): 10 Mio. EUR for development-related actions in the Horn of Africa; Co-funding by national contributions.

<sup>9</sup> The Prague Process includes countries of the European Union, Schengen Area, Eastern Partnership, Western Balkans, Central Asia, Russia and Turkey (50 participating states).

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During the **debate** closing the session, participants requested further details about the initiatives that had been presented.

- The geographic focus of the RDPP was discussed and clarified that these programmes were tailor-made to assist refugee hosting and transit countries rather than countries of origin. The existence of different funding options for assistance to countries of origin was highlighted, including the Migration EU eXpertise (MIEUX) project, the Free Movement and Migration in West Africa (FMM West Africa) project and the African, Caribbean and Pacific (ACP) dialogue facility.
- The relevance of including a development component in programmes focused on protection was debated and the importance of developing capacities of host societies was highlighted.
- EASO provided additional information about training modules and procedures for requesting support, which may happen on request of an EU Member State or a direct request from a third country.

The **second session** of the day was dedicated to the identification of good practices which could contribute to the **implementation of an international protection space for refugees in the region of the Rabat Process**. To this end, two working groups discussed questions related to the referral of refugees and to the search for durable solutions.

**Working group 1** gave rise to fruitful discussions on the topic “**Regional Guidelines for the preliminary identification and referral mechanisms for migrant populations in vulnerable situations (Puebla Guidelines<sup>10</sup>): Which experiences can be drawn in the framework of the Puebla Process and what is the applicability to the Rabat Process?**”

Ms Agueda Marin, Regional Technical Specialist of the Regional Office for Central and North America and the Caribbean (IOM) kicked off the working group by providing an overview of the Regional Conference on Migration (Puebla Process<sup>11</sup>), which mainly focuses on migration flows in Central America and the Caribbean. Ms Marin outlined that Central America was one of the biggest corridors of migrants in the world, among which a large number of unaccompanied children. Thus, the protection of vulnerable migrants became one of the focus areas of the Puebla Process which had led to the development of the Puebla Guidelines, aiming to provide a regional framework for national action in this area. Ms. Marin particularly highlighted the need to accompany such guidelines with trainings to support their practical implementation, including trainings addressed at services that are not directly involved in migration management, such as health and consular services, and to assign sufficient human resources.

<sup>10</sup> Also available on the Rabat Process website: [www.processusderabat.net](http://www.processusderabat.net)

<sup>11</sup> The Puebla Process includes Central American countries, Canada, the Dominican Republic, Mexico and the United States of America. More information available at: <http://rcmvs.org>







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Mr. Luis Diego Obando, Associate Protection Officer at the UNHCR Regional Office in Costa Rica presented the content of the Puebla Guidelines which follow a human rights based approach, including the respect of the principle of *non-refoulement* and non-detention of vulnerable migrants. The guidelines include a questionnaire that helps agents working with migrants to carry out a preliminary identification of migrants' profiles<sup>12</sup> which should then lead to their referral to the accurate authority in charge. This should ensure that vulnerable migrants receive the specific care and reception conditions they need.

Participants of the Working Group discussed the experiences of the Puebla Process and the applicability to the Rabat Process, before reconvening in the plenary.

**In the plenary**, Mr. Moussa Habib Dione, Magistrate at the Ministry of Justice of Senegal and rapporteur of Working Group 1, presented the debates of the Working Group and its results.

Mr. Dione outlined that the discussions in Working Group 1 had confirmed the existence of particularly vulnerable groups of migrants in the Rabat Process region, in particular unaccompanied minors and vulnerable women. As a consequence, it could be said that the Rabat Process deals with similar challenges as the Puebla Process. Mr. Dione also highlighted the challenges related to the fact that these migrants were often hesitant to address local authorities to request assistance. In addition, migration flows in the Rabat Process region were increasingly mixed and therefore skills to carry out proper profiling of migrants became more and more important, Mr Dione highlighted. He continued by stating that currently, there were no harmonised guidelines for the profiling and referral of migrants in the Rabat Process region. However, such guidelines would entail several advantages, including:

- Migration management that is adapted to specific situations and profiles of migrants;
- Effective reception of migrants according to their specific needs; and
- Harmonisation of national, bilateral, interregional and intra-regional practice.

Finally, Mr. Dione concluded that in the framework of the Rabat Process and as follow-up to this meeting, it could be envisaged to elaborate similar guidelines for the Rabat Process region.

In parallel, **Working Group 2** provided the occasion to discuss the topic of **“Searching for durable protection solutions: voluntary return, local integration or resettlement in third countries”**.

The working group was chaired by Mr Jean-Paul Cavalieri, UNHCR Representative to the Kingdom of Morocco, who started by presenting the case of Morocco as a good practice example for durable solutions and complementary partnerships. Mr Cavalieri explained that UNHCR was cooperating closely with the Moroccan government. Since the new asylum legislation had not yet been approved, UNHCR was currently ensuring the refugee status determination which subsequently had to be validated by the

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<sup>12</sup> Profiles of migrants may include trafficking victims, unaccompanied minors, asylum seekers or refugees and migrants at particular risk.







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BRA, before the Ministry of Interior was able to issue the residence permit card. Refugees then were given access to integration programmes offered by the government, the UNHCR and local non-governmental organisations (NGOs). Furthermore, Mr Cavalieri highlighted two specific cases relating to nationals from Syria and Yemen to which the Moroccan authorities and UNHCR had found pragmatic responses. Regarding Syrian nationals, Mr Cavalieri explained, that they were granted migrant status until the new asylum law would come into force but that they would also have access to humanitarian assistance and integration programmes. As regards nationals from Yemen, the situation was complex, as many of them wished to return to their home country which was currently impossible due to the closure of the airport in Sanaa. As a response, the Moroccan government had extended student visas and the Embassy of Yemen provided consular protection and renewal of necessary documents, Mr Cavalieri outlined. Furthermore, he presented Morocco's role in resettlement programmes in cooperation with UNHCR. Certain refugees with specific needs that could currently not be met by Morocco were identified by UNHCR and resettled in Europe or North America. In terms of return programmes, Mr Cavalieri outlined that voluntary return for most recognised refugees was currently not possible, due to the unsafe situations in their countries of origin. For those asylum seekers who had not been granted refugee status, Cavalieri outlined that UNHCR referred them to IOM to benefit from return and reintegration assistance.

Participants of the Working Group discussed the information that had been presented, before reconvening in the plenary.

**In the plenary**, the conclusions of Working Group 2 were presented by Ms. Anna Bengtsson who was acting as rapporteur. The Working Group's discussions relating to root causes and prevention, local integration, return and resettlement were summarised in the following conclusions and recommendations:

**Root causes and prevention:**

- Diplomacy to achieve peaceful solutions and humanitarian interventions;
- Centres and campaigns informing potential migrants of the risks of irregular migration and development programmes to give economic perspectives to potential migrants and returnees; and
- Ratification of conventions aiming at preventing or reducing statelessness.

**Local integration:**

- Support to the development of national asylum systems in host countries;
- Permanent residency, eventually leading to naturalization and citizenship (to prevent statelessness);
- Mapping of refugees and data collection to improve their integration; and
- Inter-donor coordination and joint programming.

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### **Return:**

- Awareness raising before returning;
- Providing trainings while in administrative detention to facilitate their reintegration; and
- Development programmes in countries of origin to facilitate return and reintegration.

### **Resettlement:**

- Resettlement should also be considered an option for emerging asylum systems and absence of visa requirements could be considered humanitarian visa policy;
- Development and sharing of tools and know-how on resettlement; and
- Resettlement may also be targeting specific groups and increased North-South solidarity and resettlement quota were recommended.

The **final plenary session** provided an occasion for speakers to present their points of view on the future prospects and to answer the question **which practical follow-up measures should be employed for the setting up of an area of international protection in the Rabat Process region.**

Mr Aleksandar Romanovic presented an outlook on EU responses to the current developments in the area of migration. He highlighted the crucial role of the European Agenda on Migration, presented on 13 May 2015, in addressing current challenges. Mr Romanovic underscored the importance of the Agenda's integrated approach, taking into account both EU internal and external aspects. In the immediate term, the EU foresees two actions to deal with the influx of refugees and asylum seekers. Firstly, a temporary redistribution mechanism of persons in clear need of international protection within the EU should lead to a fair and balanced burden-sharing. Secondly, an EU-wide resettlement scheme should open safe and legal ways for displaced persons in clear need of international protection identified by UNHCR. In the long term, actions could be structured around 4 pillars:

1. Reducing the incentives of irregular migration
2. Border management – saving lives and securing external borders
3. Europe's duty to protect: a strong common asylum policy
4. A new policy on legal migration

Furthermore, Mr Romanovic highlighted the importance of reinforcing cooperation on migration, including through strengthening synergies and complementarities of established frameworks such as the Rabat Process, Euromed Migration IV, the Khartoum Process and the RDPP.

Ms Malin Larsson-Grave, Planning and Coordination Officer of the European Asylum Support Office (EASO) then presented the role of EASO that was set up in 2010 to provide operational and tailor-made support and expertise to EU Member States and third countries and contribute to the development of the Common European Asylum System (CEAS). Ms Larsson-Grave outlined that this entailed ensuring coherent implementation of the EU legal framework which implied that similar situations should get





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similar treatment. In addition, Ms Larsson-Grave presented EASO's project with Jordan, Morocco and Tunisia which aimed at informing these partner countries with the mandate, tools and instruments of EASO and Frontex, at assessing their technical needs and at enhancing possibilities of EASO and Frontex to act as EU operational actors.

Ms Janice Marshall, Deputy Director of the Division for International Protection at UNHCR then outlined suggestions for concrete follow-up to this meeting with a view to strengthening international protection in the Rabat Process region. Ms Marshall underscored the necessity of ensuring that responses were comprehensive, harmonised and coordinated between involved actors, while being forward-looking and following a regional approach. She outlined five key areas for follow-up, as set out in UNHCR's Special Mediterranean Initiative. Based on these principles and areas, concrete actions could be considered by countries, agencies and civil society. Regional platforms for exchange of information, expertise and innovative thinking could be set up on several key topics. This may include platforms to:

- Strengthen regional asylum systems following the models of EASO or the Regional Support Office (RSO) developed in the context of the Bali Process;
- Address particular thematic issues affecting the Rabat Process region, including unaccompanied children, gender based violence against migrants and solutions for stateless persons;
- Expand access to solutions, such as improving labour mobility in the region and expanding access to assisted voluntary return programmes.

Ms Ana Fonseca presented IOM's recommendations for possible follow-up measures to this meeting. She highlighted the importance of joint thinking on solutions and support from all countries along the migration routes. She particularly emphasised the importance of political will as a precondition to improving the lives of migrants in mixed flows sustainably – also after the intervention of agencies. Ms Fonseca emphasised key priorities she had drawn from the discussions, including the importance of:

- Saving lives of migrants;
- Managing migration and further developing protection mechanisms;
- Adopting comprehensive solutions (mainstreamed into other policy fields) with particular focus on youth and drivers of migration.

Specifically, Ms Fonseca recommended to further develop interregional data systems, cross-border humanitarian systems and local development projects, including youth initiatives.

Mr Diego Nuño García, Deputy Director General of International Relations, Immigration and Foreigners at the Ministry of Interior of Spain then took the floor to address the question of follow-up from the Spanish perspective. Mr Nuño García highlighted the importance of addressing asylum and international protection, which presented a new question in the framework of the Rabat Process. He also insisted on adopting a preventive approach to migration challenges and outlined actions that Rabat Process partner countries could implement. European countries should put stronger emphasis on development programmes and capacity building that could for instance contribute to the development of guidelines





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for profiling and referral of migrants, similar to those developed in the Puebla Process. African countries could work on further improving or developing their national asylum system, while following a harmonised and standardised approach to avoid duplication.

The co-chairmanship, represented by Mr. Camilo Villarino Marzo, Minister-Counsellor of the Embassy of Spain to Morocco and Mr. Mohammed Benjaber, proceeded to presenting the draft conclusions and recommendations of the meeting to the plenary.

In their **closing remarks**, the co-chairmanship thanked the participants and speakers for their contribution to this fruitful meeting that had allowed for many interesting debates. The co-chairmen underlined that the situation related to asylum and international protection in the Rabat Process region was a complex one, exacerbated by so-called remote crises, such as the Syrian conflict. The co-chairmen underlined that due to this strong interconnection, it is particularly important to support countries of origin and transit of mixed flows in their efforts to develop their national asylum legislation. In addition, the elaboration of regional guidelines for profiling and referral of migrants, similar to those of the Puebla Process, could be envisaged in the Rabat Process region. Finally, the co-chairmen encouraged the participants to continue to exchange informally after the meeting, in order to strengthen networks and cooperation linking the Rabat Process countries and partner organisations.

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## CONCLUSIONS AND RECOMMENDATIONS OF THE CO-CHAIRS

- Strengthen **international solidarity**, in particular for countries bordering an area affected by conflict and for transit countries or for countries of asylum, considering that 86 % of all refugees reside in developing countries. Greater mobilisation of international assistance allows to support the financial and material capacity of states' needs as well as to provide the main means of subsistence to refugees, internal migrants, asylum seekers and stateless persons. Humanitarian aid must go hand in hand with coordinated cooperation, good governance and increased responsibility.
- **Cooperate** in a spirit of shared responsibility between the African and European States in the Rabat Process, in order to continue to improve: (I) reception capacities for persons in need of international protection; (II) capacities of the legal protection system and (III) training of the key authorities responsible for these issues. States may rely on international or regional dialogue platforms to guarantee effective cooperation.
- Improve **coordination** between national and regional stakeholders, international organisations and non-governmental organisations. Countries bordering an area affected by a conflict have a crucial role, which must be reflected by information sharing, risk assessment, the setting up of an early warning system and the coordination of an emergency response, as well as the set-up of protection systems and long-term solutions. The coordination between the countries affected by Boko Haram is a good example of cooperation.
- Continue to strengthen the partnership between the states in the Rabat Process region in respect of the search for **traditional sustainable solutions** which are voluntary return, local integration, and resettlement. Return must take place respecting the persons' safety, dignity and rights. Cooperation efforts must increase in this area. Integration capacities must be improved, in particular at local level, with access to education, training and healthcare. The involvement of local communities is essential and requires specific support, in particular when these local communities are in significant transit areas or in countries bordering an area affected by conflict. Resettlement is a decisive instrument with a view to finding a sustainable solution for refugees who either cannot return to their country of birth due to fear of persecution, or who do not have the option of remaining in the country of asylum.
- **Re-think traditional sustainable solutions** and supplement them with other solutions or targeted measures such as: the flexible use of the visa system; the granting of humanitarian visas; facilitating family reunifications in the context of national legislation; the individual sponsorship of refugees towards other refugees; residency permits for victims of trafficking.
- Strengthen measures aiming to **rescue persons in distress at sea**. It is essential to take into account the humanitarian nature of maritime operations, including: the duty of rescue and disembarkment at safe places; referral of persons in a vulnerable situation; the principle of non-refoulement in compliance with international standards. Encourage commercial shipping to form part of the rescue strategies.

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- Continue **the commitment by states** in the area of **international protection** by strengthening or developing **national asylum systems** and national asylum legislation in compliance with international standards. The development of national asylum systems requires legal and institutional modernisation, as well as giving thought to the very limited impact of restrictive and monitoring measures (detention, readmission, etc.). The development of asylum systems may be supported by organisations having a specific competence.
- Proceed with systematic registration of refugees and encourage the registration of births in advance, especially in rural areas. Registration, including in civil registers, is usually accompanied by collection, analysis and a harmonised and efficient use of **statistical data**. Statistical data contributes to the improvement of protection at national and international levels, to increased knowledge about migration routes, causes and profiles of persons in vulnerable situations. Furthermore, it enables a mapping and tracking of refugees in order to provide a concrete and coordinated response.
- Strengthen **public institutions, migration policies and strategies**, and improve **governance** for improved management and protection of persons, in compliance with national and international standards. The strengthening of institutions must prioritise countries bordering an area affected by a conflict as well as transit and asylum countries.
- Guarantee effective, consistent and efficient implementation of the relevant dialogues and initiatives, which are striving for development and for better management of mixed flows. Mobility Partnerships, for example, may be an efficient multilateral tool. Other initiatives enabling an effective response to the needs of persons in vulnerable situations (women in danger, unaccompanied minors, victims of violence or trafficking, etc.), in particular at the border, such as actions targeting border guards.
- Develop a **regional protection area**. The regional framework must be strengthened and open up areas for discussion, while guaranteeing the appropriation of the actions taken and, in particular, the link with the regional integration processes. The Rabat Process region, in partnership with the national or European agencies or international organisations, may benefit from the development of **referral mechanisms** similar to those developed in the context of the Puebla Process and **from training** such as in the Prague Process or the EUROMED Migration programme. Referral mechanisms enable early identification and profiling of persons in need of protection and urgent assistance, and facilitate **their prompt referral** to the appropriate services. Profiling and referral must guarantee fair and efficient access to the asylum procedures and must be based on information and advisory services, including legal advice on rights and obligations. Training may contribute to the standardisation of the protection standards in the Rabat Process region by helping to develop similar asylum procedures.
- Coordinate and look for links between the Rabat Process and **Regional Development and Protection Programmes (RDPP)**. These instruments are based on an integrated and participatory approach, strengthen institutional capacities, rely on the socio-economic development in the host countries and provide assistance to local refugee-hosting communities.

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- Strengthen the **awareness and information campaigns** targeting the communities and populations in host and transit societies in order to promote their adherence to measures that support refugees and displaced persons. The campaigns must also raise awareness among refugees and asylum seekers on rights and obligations in the host country and on the dangers of human trafficking and of migrant smuggling, and target young people in particular.
- Identify the **multiple and root causes of population movements** such as general violence, armed conflicts, individual persecution, bad governance, human rights abuse and ethnic or sectarian tensions, in particular. These situations of political crises are exacerbated by food insecurity, natural disasters and climate change.

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