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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT,  
THE EUROPEAN COUNCIL AND THE COUNCIL  
Migration on the Central Mediterranean route  
Managing flows, saving lives

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Delegations will find attached document JOIN(2017) 4 final.

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HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 25.1.2017  
JOIN(2017) 4 final

**JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE  
EUROPEAN COUNCIL AND THE COUNCIL**

**Migration on the Central Mediterranean route  
Managing flows, saving lives**

## INTRODUCTION

In 2016, a record high number of refugees and migrants sought to reach the European shores across the Central Mediterranean. Over 181,000 people were detected on the route in 2016, the vast majority of whom reached Italy. 2016 was also a record year for the number of lives lost at sea: over 4,500 people drowned in the attempt to cross<sup>1</sup>. The Central Mediterranean route is now once again the dominant route for migrants and refugees to reach Europe as it used to be before the surge in arrivals through the Eastern Mediterranean in late 2015 and early 2016. The human suffering and cost of this is intolerable.

There are many reasons that explain the rising influx of migrants through the Central Mediterranean route, instability in Libya but also wider factors like violent conflicts and economic situation in Sub-Saharan Africa. Those drivers are unlikely to fade away in the near future, resulting in sustained flows adding to the pressure borne by the most affected EU Member States, Italy and Malta.

Libya lies at the crossroads of the Central Mediterranean route and represents the departure point for 90%<sup>2</sup> of those seeking to travel to Europe<sup>3</sup>. Smugglers and traffickers exploit an unstable political situation and fragmented control over the territory and borders. They contribute to the instability in the country by their actions and human rights violations, thereby increasing the vulnerability of migrants. Progress towards a stable political situation is essential to secure a sustainable future for Libya and stability for the region as a whole. Finding a lasting solution to Libya's governance and security challenges continues to be a priority for Libya itself, for the EU, its Member States and international partners, and the key to an effective and sustainable long term response to the migration challenge. To this end, the EU will continue to support the Government of National Accord (GNA) and Presidency Council as the legitimate Libyan authorities<sup>4</sup> and as crucial partners in this endeavour.

The EU and its Member States have progressively laid out a stronger and more articulated policy response to manage the flows and to save lives in the Central Mediterranean. The European Council in December 2013 concluded that "increased engagement with third countries in order to avoid that migrants embark on hazardous journeys towards the European Union should be a priority." In 2015, the Commission presented a broad European Agenda on Migration<sup>5</sup>. After the loss of hundreds of lives in a shipwreck near Lampedusa, in April 2015, the European Council concluded that the EU would "mobilise all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency" and "decided to strengthen our presence at sea". As a result, a permanent EU presence at sea has been established, rescuing tens of thousands of people. The EU has launched since October 2015 an intense phase of cooperation with partners in Africa through the follow up of the 2015 Valletta Summit on migration<sup>6</sup>. Since June 2016, the Partnership Framework has launched targeted cooperation with key countries in terms of origin of migrants and transit routes<sup>7</sup>. In December 2016, the European Council "underlined the need to enhance support for the Libyan coastguard, including through EUNAVFOR MED operation Sophia" and that "initiatives need to be taken to offer assisted voluntary return opportunities to migrants stranded in Libya and curtail dangerous journeys."

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<sup>1</sup> Source: <https://missingmigrants.iom.int/mediterranean>.

<sup>2</sup> Source: Italian Ministry of the Interior.

<sup>3</sup> The estimated number of migrants within Libya ranges from 700,000 to 1 million. Some 350,000 are considered to be internally displaced persons (figures by the International Organisation for Migration (IOM)) but with a wish/intention to return to their homes or remain in Libya.

<sup>4</sup> In line with UN Security Council Resolution 2259

<sup>5</sup> COM(2015) 240 final of 13.5.2015.

<sup>6</sup> European Council conclusions of December 2016. See the Valletta Political Declaration and Action Plan. The next step in the process will be a Senior Officials Meeting on 8-9 February.

<sup>7</sup> COM (2016) 960 final of 14.12.2016, Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration. The next report will be adopted in March 2017.

It is clear that as of spring 2017, if no further action is taken, uncontrolled irregular migration flows along the Central Mediterranean route will continue. As stated by the Prime Minister of Malta, Joseph Muscat, in his speech to the European Parliament: "Come next Spring Europe will face a heavy influx of migrants through the Central Mediterranean. [...] I see no way in which one single Member State can manage or absorb this further wave. Thus, the essence of the core principles of the European Union will be seriously tested unless we act now"<sup>8</sup>.

Therefore, the EU and its Member States need to identify and take forward operational actions that can make a difference ahead of next spring and summer. Coordinated action by the EU must be carried out in close cooperation with Member States and where Member States are engaged in efforts of their own – notably in the case of Italy and Malta – the EU's efforts will be designed to flank and support those efforts, by mobilising all the tools available at EU level with a coherent joined-up approach. The GNA is a crucial partner in this endeavour and all actions are to be carried out in full coordination with and support of the GNA. The EU will strengthen efforts to improve the capacity of the GNA.

This Joint Communication identifies a set of key actions that can have direct impact and focuses on those which can be set in motion in a relatively short period of time, targeting the various stages along the Central Mediterranean route. They are part of a comprehensive strategy, which has a strong focus on the route through Libya but also take into account the wider regional context (in particular Tunisia, Egypt and Algeria) with a view to preventing a displacement of the route and avoiding any negative repercussions for the neighbours. It also takes into account the importance of the involvement of Libyan municipalities and to work closely with international organisations, such as IOM and UNHCR, active in the country.

Another important element is work inside the EU to manage migration, notably through efficient procedures and full registration on arrival in the EU and through the effective return of those without need for international protection. In particular, a credible return policy makes clear that the danger of crossing the Mediterranean is not worth the risks involved. In light of the new needs, the Commission will update the EU Action Plan on Return<sup>9</sup> in the coming weeks to ensure swiftly an effective response. In particular, the Commission will identify on the basis of the current EU rules how better enforcement of return decisions can be achieved, using the flexibility contained in those rules, and provide clear guidance in this respect.

## **1. THE CHALLENGE OF MIGRATION ALONG THE CENTRAL MEDITERRANEAN ROUTE**

In 2016, over 181,000 irregular migrants were detected on the Central Mediterranean route, the vast majority of whom reached Italy. Italy reported an 18% increase in arrivals compared to 2015, a number even surpassing the previous peak of 2014. Arrivals to Malta are low in comparison. Libya was the main country of departure for almost 90% of migrants, followed by Egypt (7%), Turkey (1.9%), Algeria (0.6%) and Tunisia (0.5%).<sup>10</sup>

These figures show that in 2016 the Central Mediterranean was the main route of arrival for irregular migrants to Europe. While the Eastern Mediterranean saw numbers peak at 885,000 detections of illegal border crossings in 2015, the reduction since the EU-Turkey Statement of 18 March 2016<sup>11</sup> has been dramatic (see figure 1). The continued increase in the Central Mediterranean route is therefore all the more marked (figure 2).

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<sup>8</sup> <https://www.eu2017.mt/en/news/Pages/Speech-by-Prime-Minister-Joseph-Muscat-at-the-EP-Plenary-Session-on-the-Presidency-Priorities.aspx>

<sup>9</sup> The existing EU Action Plan on return was adopted in 2015 (COM(2015) 453 final of 9.9.2015).

<sup>10</sup> Source: Italian Ministry of Interior.

<sup>11</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

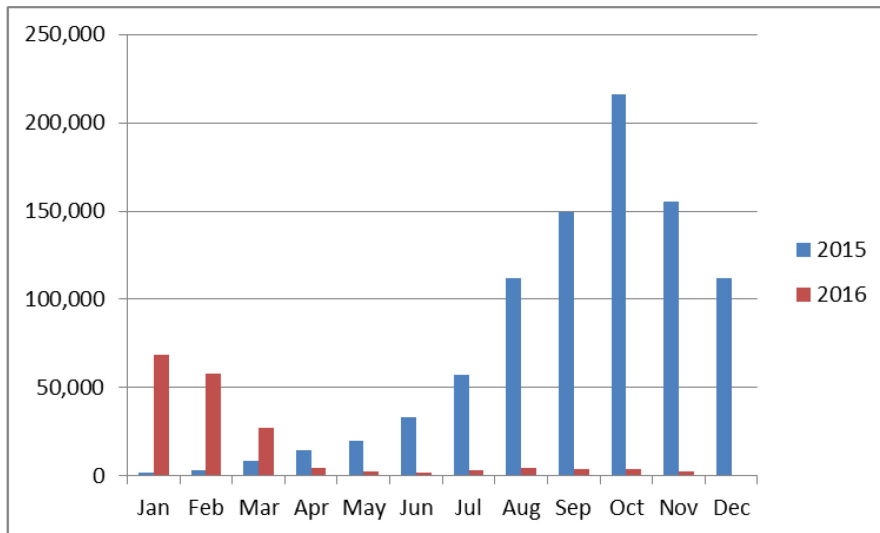


Figure 1. Arrivals Eastern Mediterranean 2015-2016 (Source: Frontex – data up to November 2016)

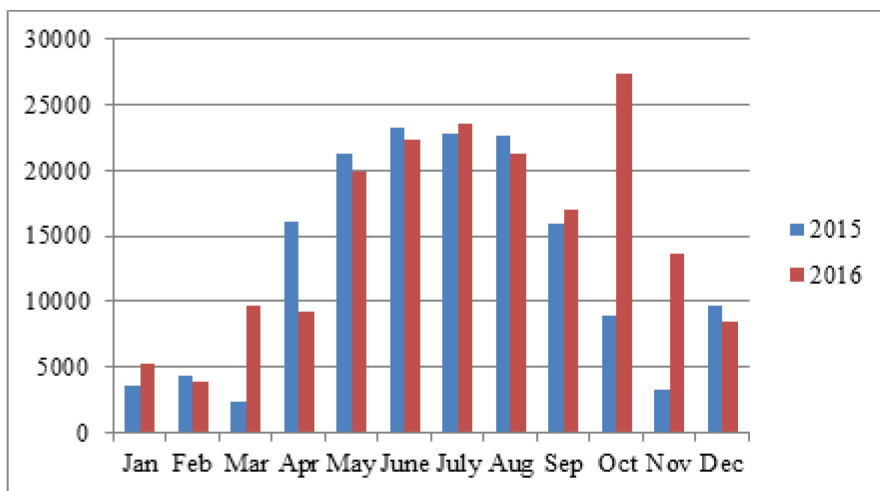


Figure 2. Arrivals Central Mediterranean 2015-2016 (Source: Italian Ministry of Interior - Total 2015: 153,842 Total 2016: 181,436)

The composition of nationalities shows a consistent flow of migrants from Sub-Saharan Africa. The top 10 nationalities of origin disembarked in Italy in 2016 were Nigerian (21%), Eritrean (11%), Guinean (7%), Ivorian (7%), Gambian (7%), Senegalese (6%), Malian (6%), Sudanese (5%), Bangladeshi (4%), and Somalian (4%). Other nationalities made up 22%.

Just over half of those who arrived to Italy requested asylum. Although migration has always taken place, this appears to be a structural movement from Sub-Saharan Africa and there is no indication these trends could change until the economic and political/security situation in the countries of origin improves.

A worrying trend is that the number of vulnerable migrants, especially women and minors, is increasing. Among the 181,000 migrants who disembarked in Italy, around 24,000 were women (13%, almost half of whom from Nigeria), and around 28,000 were minors (15%), of which the vast majority (91%) were unaccompanied. This represents an increased share from 2015 (10%), with a growing proportion of unaccompanied minors (75% in 2015). The top five nationalities of unaccompanied minors are: Eritrean (15%), Gambian (13%), Nigerian (12%), Egyptian (10%), and Guinean (10%).

## 2. REDUCING THE NUMBER OF CROSSINGS, SAVING LIVES AT SEA

### *Responding to tragedies at sea*

Since the start of this decade, over 13,000 irregular migrants have lost their lives trying to cross the Central Mediterranean route to Europe. Italy and Malta have made major efforts to reduce the risk of loss of life and respond with search and rescue activities to distress calls at sea. In 2013 the Italian government launched the first major coordinated effort to save lives at sea through the naval and air operation Mare Nostrum.

Since the end of 2014, EU cooperation, always in full respect of human rights and international law, has made a major contribution. The Triton and Sophia Operations have resulted in more than 200,000 migrants having been rescued at sea.

### ***Key EU initiatives in Central Mediterranean waters***

**European Union Naval Force – Mediterranean (EUNAVFOR MED Operation Sophia)** was set up in record time in June 2015 to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to disrupt their business model in the Southern Central Mediterranean, and prevent the further loss of life at sea. Since October 2015, the operation moved to its second phase, which entails boarding, search, seizure and diversion, on the high seas, of vessels suspected of being used for human smuggling or trafficking. The current mandate runs to July 2017. In the course of the operation, 25 Member States<sup>12</sup> have contributed almost 1,800 personnel and assets. Assets currently deployed include 6 surface vessels and 6 air assets. Operation Sophia has so far neutralised some 372 smuggler vessels, helped in the arrests of some 101 alleged smugglers and saved nearly 32,000 persons on the high seas. Its mandate was reinforced in June 2016 by two supporting tasks: training of the Libyan Coastguard and Navy and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya. Operation Sophia is currently authorised to operate on the high sea adjacent to Libya and does therefore not operate inside Libyan territorial waters.

**Operation Triton** was launched by Frontex in November 2014, with a focus on border protection, but also on provision of support to search and rescue operations. In July 2015, its operational area was expanded southwards, also facilitating the provision of support in search and rescue operations further south. Officers deployed by Frontex support the Italian authorities in the registration of the arriving migrants. The operational focus of Triton has expanded to include cross border crime, such as people smuggling, drug trafficking, illegal fishing and maritime pollution. It operates under the command of the Italian Ministry of Interior. A total of 28 European countries<sup>13</sup> take part in the operation by deploying either technical equipment or border guards.

In parallel, since late 2014, a small but growing number of non-governmental organisations (NGOs) has also started actively pursuing search and rescue in the Central Mediterranean. Today, some 9 NGOs operate about 14 ships to this end. Their operations focus on activity close to Libya with the larger vessels conducting fully-fledged search and rescue, picking up migrants and bringing them to Italian ports. Smaller NGOs focus exclusively on rescuing, distributing life jackets and emergency medical care near the Libyan coast and relying on the larger vessels operating to then transport migrants into Italian ports. In 2016, the Italian Coast Guard and Navy, Triton and Operation Sophia, and NGOs were all responsible for broadly the same share of initial rescues.

<sup>12</sup> Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Spain, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, the United Kingdom.

<sup>13</sup> Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Sweden, Switzerland, Slovakia, Slovenia, Spain, the United Kingdom.

Patrolling activities, including support to search and rescue activities have gradually shifted from waters near the Italian territory to waters nearer Libya. One direct consequence of this has been a change in the business model of smugglers. They increasingly place irregular migrants and refugees on cheap and completely unseaworthy inflatable dinghies that have no prospect of ever reaching the Italian shores, assuming they will be picked up near or within Libyan territorial waters. The fact that such dinghies now account for 70% of all boats leaving the Libyan coast contributes to making journeys increasingly dangerous and to the rise in the number of deaths at sea. The European Border and Coast Guard Agency and Europol should closely monitor the supply lines for these inflatable dinghies to Libya and cooperate with the Libyan authorities to interrupt the smugglers' supply.

The EU maintains its humanitarian imperative to save lives at sea. Operation Sophia is currently authorised to operate on the high sea adjacent to Libya but cannot operate inside Libyan territorial waters. Under the current conditions, in full agreement with the recognised Libyan authorities, close operational cooperation through the provision of training and assets with a strengthened Libyan Coast Guard could maximise the number of lives saved, increase the chance to intercept and stop smugglers and mitigate any unintended consequences.

#### *Stepping up support to the Libyan Coast Guard*

To effectively cope with this current situation, part of the answer must lie in the Libyan authorities preventing smugglers from operating, and for the Libyan Coast Guard to have the capacity to better manage maritime border and ensure safe disembarkation on the Libyan coast. Of course, the Libyan authorities' effort must be supported by the EU and Member States notably through training, providing advice, capacity building and other means of support. Working together in their respective zones and within their respective mandates, Sophia and Triton could focus on anti-smuggling activities and support to search and rescue operations further out at sea and specialise in monitoring, alerting the Libyan authorities and combating traffickers.

Recognising the central role that the Libyan Coast Guard<sup>14</sup> should play in managing the situation, building its capacity is a priority, both in terms of capabilities and equipment needs. To this end, the EU, working inter alia through Operation Sophia and the EU Border Assistance Mission (EUBAM), is closely coordinating with Member States, and other actors, in order to ensure coherence in the provision of support for capacity building. The possibility of training also the Libyan maritime police – which depends on the Ministry of the Interior and operates at sea – should also be considered in the framework of EUBAM, Operation Sophia or other EU initiatives.

The Libyan Coast Guard faces complex training needs, ranging from basic seamanship and an ability to operate safely at sea, to conducting the full range of law enforcement tasks expected of a coastguard, including effective control of Libya's international search and rescue zone. A particular emphasis is being made by the EU to ensure that capacity-building contributes to guaranteeing the respect of migrants' human rights. Operation Sophia has started training the Libyan Coast Guard through three training packages.

This training is being complemented by actions carried out by actors in the framework of other EU programmes managed by the Commission. These include the Seahorse Mediterranean Network programme, aiming to strengthen Libyan border surveillance and implemented by seven Member States<sup>15</sup>, with the Spanish Guardia Civil in the lead. This should now be stepped up so that complementary action means that the full range of needs identified can be met.

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<sup>14</sup> The current Libyan Coast Guard was established in 1996, and is responsible for exercising the sovereignty of the State and law enforcement under UN and national law. The Coast Guard shares logistics, personnel and training with the Navy. It is generally accepted that this is the most operational body undertaking coast guard functions.

<sup>15</sup> Spain, Italy, Malta, France, Greece, Cyprus and Portugal.

As an immediate step, the Commission will rapidly agree with the Guardia Civil to reinforce funding for the training of the Libyan Coast Guard, by an additional EUR 1 million under the existing Seahorse programme.<sup>16</sup> This would then be further complemented by a new programme of support to the Libyan Coast Guard<sup>17</sup>, in an effort to ensure that the different types of trainings provided under the various programmes will contribute to meeting the full needs of the Libyan Coast Guard. In parallel, additional training to the Libyan Coast Guard has also been provided by the European Border and Coast Guard Agency and future similar action will continue to be explored. Effective complementarity and coherence among the training initiatives provided by different actors will be ensured through informal coordination mechanisms.

This coordination would also include support through a EUR 2.2 million grant agreement with the Italian Ministry of Interior<sup>18</sup>, which includes a component (implemented by the International Organisation for Migration) supporting sea rescue and training of the Libyan Coast Guard, and a second component (to be implemented in cooperation with the United Nations High Commissioner for Refugees (UNHCR)) for capacity building of the Libyan authorities and assistance to refugees and asylum seekers present in or disembarked in Libya.

These programmes demonstrate that while the EU budget cannot finance Operation Sophia directly, it can fund the training of the Libyan Coast Guard. Within this context, the Commission stands ready to identify appropriate solutions to ensure reliable long term funding for those programmes to support the Libyan Coast Guard, thus complementing Member States' contributions.

Alongside the capability of the Libyan Coast Guard, there is a broader lack of patrolling assets. Some of these have been repaired outside the country and, their return, accompanied by necessary training of the crew and the establishment of appropriate command and control chain will increase the Libyan Coast Guard capacity for action. Once returned those assets need to be maintained in an effective operational condition.

Building the capacity of the Libyan Coast Guard aims, as a long-term objective, to a situation whereby the Libyan authorities can designate a search and rescue area in full conformity with international obligations. In this perspective, the EU is providing financial support to the Italian Coast Guard to assist the Libyan Coast Guard in establishing a Maritime Rescue Coordination Centre, a prerequisite for efficiently coordinate search and rescue within Libyan search and rescue zone, in line with international legislation.<sup>19</sup> Using the satellite-supported communication infrastructure of the Seahorse Mediterranean Network, to be established this year, the Libyan Coast Guard will be able to exchange information on incidents and coordinate patrolling and rescue activities with the coast guards of neighbouring countries, making a major contribution to rescue operations. The European Border and Coast Guard Agency will support this cooperation with regular monitoring and surveillance

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<sup>16</sup> This is financed under the Development Cooperation Instrument. Training could be extended to Coast Guard personnel from Tunisia, Algeria and Egypt, when these countries join the Seahorse programme.

<sup>17</sup> Options for funding include the Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa ("the EU Trust Fund for Africa") and the European Neighbourhood Instrument (ENI).

<sup>18</sup> Signed in the framework of the Regional Development and Protection Programme in North Africa.

<sup>19</sup> The obligation of ships to go to the assistance of vessels in distress was enshrined both in tradition and the 1974 International Convention for the Safety of Life at Sea (SOLAS). The 1979 International Convention on Maritime Search and Rescue (SAR) requires Parties to the Convention to ensure that arrangements are made for the provision of adequate SAR services in their coastal waters. Parties are also encouraged to enter into SAR agreements with neighbouring States involving the establishment of SAR regions, the pooling of facilities, establishment of common procedures, training and liaison visits. The Convention states that Parties should take measures to expedite entry into its territorial waters of rescue units from other Parties. Libya has ratified both SOLAS and SAR Conventions.



information.<sup>20</sup> Modalities of support and advice to the Libyan Coast Guard following training and return of assets will need to be further explored.

Finally, in the context of the European Maritime Security Strategy Action Plan<sup>21</sup>, the Commission will support in 2017 (by a grant of EUR 80,000) the Mediterranean Coast Guard Functions Forum that will help the Libyan Coast Guard to develop mutual knowledge, share experience and best practices, as well as to identify areas for further cooperation with Coast Guard Functions in Member States and in other third countries bordering the Mediterranean Sea.

**Key actions:**

- Ensure funding for the training programmes for the Libyan Coast Guard through an immediate EUR 1 million addition to the Seahorse programme and the grant of EUR 2.2 million under the Regional Development and Protection Programme in North Africa;
- Ensure that sustainable sources of funding cover various training needs in a complimentary manner in the future;
- Assist the Libyan authorities in establishing a Maritime Rescue Coordination Centre and improving operational cooperation with Member States.
- Support the provision to the Libyan Coast Guard of additional patrolling assets and ensure their maintenance.

### **3. STEPPING UP THE FIGHT AGAINST SMUGGLERS AND TRAFFICKERS**

In seeking to limit departures and saving lives it is key to intensify the fight against smugglers and traffickers in the Mediterranean and the north of Africa. Tackling smuggling is a key objective of Operation Sophia and work is underway to complement its direct action on the high seas through contributing to Libyan Coast Guard's capability that can be effective within Libya's territorial waters. Operation Sophia is also contributing to overall enhanced situation awareness on these issues in its area of operation. Further options will be explored to increase monitoring and intelligence gathering and adapt to the evolving modus operandi of smugglers, thus better assisting the action of the Libyan authorities.

A first priority is to make the Seahorse Mediterranean Network operational in spring 2017. This programme aims to strengthen the border authorities of the North African countries and develop their capacity to share information and coordinate actions with their counterparts in the EU and the Mediterranean Member States. The specific objectives are to enhance the situational awareness of the North African countries' authorities on irregular migration flows and illicit trafficking taking place in their territories (in particular in the coastal regions and territorial waters) and to reinforce their reaction capacity, at national and regional level, including for search and rescue at sea. One important component is to set up a secure communication network among the border authorities of all the Mediterranean countries.

Italy, Malta, Greece, Cyprus, France, Spain and Portugal have connected their Eurosur national coordination centres for border surveillance to the Seahorse Mediterranean Network. Work is underway to ensure that the Libyan Coast Guard has the equipment it needs to connect with Member

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<sup>20</sup> Provided from Eurosur – the Eurosur Fusion services managed by the European Border and Coast Guard Agency allow for regular monitoring of departure points in third countries and detecting and tracking of suspicious vessels across the Mediterranean Sea, using ship reporting systems, satellites and surveillance planes.

<sup>21</sup> The European Union Maritime Security Strategy (EUMSS) has been adopted by the European Council in June 2014. It is a joint EU plan to improve the way in which the EU pre-empts and responds to challenges such as overall security and peace and external border control.

States, so that all will be able to inform each other about incidents in near-real time, and coordinate their patrolling activities. The goal is to ensure the same effective cooperation, including with the European Border and Coast Guard Agency, in preventing smuggling as already underway in the Atlantic.

As smugglers are increasingly using small dinghies and inflatable rubber crafts instead of wooden boats, an effective way to disrupt their activities would be to specifically target smugglers' supplies (boats, engines, vehicles). To achieve this goal is challenging and would require a coordinated approach, which the EU, through its operations, agencies and instruments, stands ready to explore with Member States, Interpol, and other partners in the region. Intelligence and surveillance resources should be pooled to better monitor and target locations and routes, and to identify the smugglers who use them. In particular, using the Eurosur Fusion services would allow for regular monitoring of departure points in third countries and detecting and tracking suspicious vessels across the Mediterranean Sea, using ship reporting systems, satellites and surveillance planes. These actions will complement efforts on the high seas by Operation Sophia to disrupt the activities of human smugglers and traffickers. Continued availability of assets for Operation Sophia should thus be ensured and further consideration should be given to its broader contribution to maritime security. A key contribution will also be provided by the Joint Operational Team Mare, hosted by Europol, which was launched in March 2015 to combat organised crime facilitating irregular migration in the Mediterranean. In February 2016, the Joint Operational Team Mare was incorporated into Europol's European Migrant Smuggling Centre. It is made up of specialists seconded from seven Member States. These Member States exchange information in real time to disrupt smuggling networks.

Finally, the fight against the criminal organisations involved in migrant smuggling cannot achieve effective and durable results unless it is accompanied also by measures aimed at addressing the root causes, making it more difficult for these organisations to recruit manpower for running their business. In this perspective, ongoing support provided to municipalities located along the migratory route (in particular, in 'migration hubs' and coastal cities) should be reinforced,<sup>22</sup> so that capacity-building, socio-economic development and access to basic services (including for migrants) can be enhanced and smuggling activities are discouraged.

**Key actions:**

- Ensure that the Seahorse Mediterranean Network is operational by spring 2017, thus allowing greater exchange of information and operational coordination between the Libyan Coast Guard and participating Member States;
- Encourage the participation of Tunisia, Algeria and Egypt in the Seahorse Mediterranean Network;
- Target supplies of smugglers by pooling intelligence between Member States, EUNAVFOR MED Sophia, the European Border and Coast Guard Agency, Europol, Interpol, and partners in the region, in particular by using the Eurosur Fusion services.

#### **4. PROTECTION OF MIGRANTS, ASSISTED VOLUNTARY RETURNS AND RESETTLEMENT**

Strengthened anti-smuggling actions will increase the need to take action on land to provide protection and Assisted Voluntary Return opportunities. Moreover, instability and lack of security have led to large population displacement, both of nationals and third country nationals<sup>23</sup>, many of whom are

<sup>22</sup> The Committee of the Regions has been working to develop cooperation with Libyan municipalities on a variety of issues, including migration.

<sup>23</sup> It should be noted that Libya has long depended on a substantial migrant workforce.

highly vulnerable, to areas of transit and departure inside the country, where there is no real governance. There is both an immediate challenge and a longer-term need to help the protection of migrants and to address the build-up of pressure. There are four main avenues for action: strengthening protection and humanitarian assistance to migrants, assistance to re-integration in the local economy, voluntary return to country of origin and resettlement of those in need of international protection.

In cooperation and dialogue, support to the Libyan authorities needs to be provided to build their capacity to manage migration. A project aiming at identifying focal persons in the relevant ministries (Interior, Justice, Foreign Affairs) and creating synergies and platforms dedicated to migration management issues with those concerned ministries is already ongoing.<sup>24</sup>

Conditions in the centres where migrants are held are unacceptable and fall short of international human rights standards. Ensuring adequate conditions in those centres is of paramount importance and goes along with fighting ill treatment, torture, extortion and inhumane treatment. A priority task is to work with the Libyan authorities and international organisations such as IOM and UNHCR to ensure that these centres provide adequate conditions in line with human rights standards. Alternatives to detention should be further developed, in particular for women and minors, working closely with international organisations. In addition, security of both migrants and aid organisations working in those centres needs to be ensured.

Another important issue is to ensure unhindered access by UNHCR and IOM to persons in need of international protection, particularly the vulnerable.

The Commission will engage with the Libyan authorities and with the concerned international organisations to address these issues, and will step up targeted funding if appropriate.

A number of those who entered Libya and are now in the country did so to seek job opportunities. Many of them are currently stranded, given the instability and the loss of jobs. One possible solution to their situation is to foster, where possible, local integration. A pilot initiative has been launched and should be reinforced aiming at community stabilisation in areas affected by internal displacement and transit of migrants, including the creation of job opportunities for persons in need of protection, also with a view to facilitate their acceptance by hosting communities.

Many other migrants may have incentives to return to their country of origin, if their plans to find a job in Libya or hopes to travel to Europe are not materialising. In those cases, assisted voluntary return can be an option. The EU is carrying out projects<sup>25</sup> aimed at facilitating the voluntary return of stranded migrants from Libya to their countries of origin. A EUR 20 million action was adopted in December 2016 under the EU Trust Fund for Africa, aiming to strengthen migration management and to respond to the urgent protection needs and unacceptable loss of life of migrants. The project will focus on support to migrants at disembarkation points and in centres, as well as to scale up humanitarian repatriation to countries of origin (from the initial target of 5,000 migrants) and reintegration<sup>26</sup>. The EU will work, in cooperation with the Libyan authorities, to ensure adequate

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<sup>24</sup> ENI-funded project, EUR 3 million (component 1 of the project in support of Right-based Migration Management and Asylum in Libya).

<sup>25</sup> Projects totalling EUR 35 million funded under European Neighbourhood Instrument/Instrument contributing to Stability and Peace/Development and Cooperation Instrument/ Humanitarian assistance and the Asylum, Migration and Integration Fund/Regional Development Project.

<sup>26</sup> This project is part of a EUR 100 million EU Trust Fund for Africa – IOM joint initiative ensuring the protection and reintegration of returnees along the Central Mediterranean migration routes in fourteen countries in the Sahel and Lake Chad region, including Libya. With contributions from Germany (EUR 45 million) and Italy (EUR 22 million). In that regard, this joint initiative foresees the protection of 60,000 stranded migrants in need, the provision of 24,000 returns and reintegration support to migrants, and the information and sensitisation on the dangers and alternatives to irregular migration to 2,000 communities in areas prone to migration and to 200,000 migrants along the route. The actions also support the collection and

security conditions for the international operators engaged in assisted voluntary return activities and remains ready to scale up swiftly this work including complementary actions in neighbouring countries, in the light of the initial uptake of the project.

Opportunities for reintegration in local communities and for assisted voluntary returns could be complemented by resettlement, particularly for the most vulnerable persons. The EU is exploring with UNHCR the feasibility of practical steps to implement the resettlement of those in need of international protection from Libya towards EU Member States and other international partners. Resettlement can help provide for an orderly and safe arrival of persons in need of international protection to the territory of the resettling states. It also allows for security checks before a person reaches the territory of resettling states, and can be a demonstration of solidarity with the host country to help it cope with large numbers of persons fleeing war or persecution. It may also act as a disincentive for persons in need of international protection to embark on dangerous journeys. Any feasibility, concrete modalities, and pace of such resettlements would need to be examined in close cooperation with the Libyan government, the international partners and in line with the evolution of the situation on the ground. It would also require the readiness of Member States to participate in resettlement from Libya<sup>27</sup>.

In addition to this specific action to be promoted in Libya, the EU should continue engaging with the countries in the region with a view to supporting them in developing their asylum and migration systems, starting with the registration of migrants. This will also contribute to improving protection and asylum systems in the region in line with the objectives of the North Africa Regional Protection and Development Programme. In turn this can lead to the application by the Member States of the safe third country principle in the asylum acquis when conditions are met. The safe third country provisions are one of the key components of an effective system for managing the migratory crisis and this should be taken into account in the ongoing discussions on the reform of the Common European Asylum System as well as in future discussions on the EU return policy and its future application.

In addition to the importance of conducting information campaigns in countries of origin and along the migration routes in Africa, targeted information campaigns are also needed in Libya pointing to the risks of irregular departures and on the possibility for assisted voluntary return. These activities should be focused in particular in the upstream part of the route and in the Southern regions of Libya, as proximity to the coast generally provides migrants with a strong incentive to move.

**Key actions:**

- Engage with the Libyan authorities to ensure that the conditions in centres for migrants are improved, with a particular attention to vulnerable persons and minors. Step up cooperation with IOM and UNHCR in this respect;
- Step up work and engagement with Libyan municipalities to promote alternative livelihoods and support the resilience of local communities hosting migrants;
- Support capacity building in migration management for the Libyan authorities;
- Support, in cooperation with Libyan authorities, international organisations such as UNHCR in addressing the situation of the persons in need of international protection, including the possibility of resettlement;
- Support IOM in its work to improve the situation of the migrants in Libya and to implement a project for assisted voluntary return from Libya, considering its further expansion beyond the initial target of 5000 migrants.

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analysis of data in each targeted country and at a regional level to adapt policies and actions based on evidence and the capacity building of governments and local stakeholders, to ensure the sustainability and ownership of the actions.

<sup>27</sup> Also important is the outcome of the proposal for a Union Resettlement Framework (COM(2016) 468 final of 13.7.2016).

## 5. MANAGING MIGRANT FLOWS THROUGH THE SOUTHERN BORDER

While a large number of migrants and internally displaced people are already present within Libya, managing the flows of newly arriving people through the Southern border is key to reducing the migration pressure. The success of the Valletta Action Plan and the Partnership Framework will be important in this respect.

There are a variety of EU efforts, in particular the Common Security and Defence Policy (CSDP) missions and projects deployed across the region, which contribute in addressing this challenge.

The EU Border Assistance Mission (EUBAM) Libya, currently deployed in Tunis, has now developed a capacity to conduct independent visits to Tripoli. It is finalising the mapping of key actors in the security field and exploring with the Libyan authorities possibilities for a future civilian CSDP mission. This potential mission could be in the field of police/rule of law/border management and could provide advice and training to the Libyan authorities. Further efforts will be made to engage in actions supporting the Libyan authorities. This could be combined with actions through other instruments, including Operation Sophia and the European Border and Coast Guard Agency to improve monitoring and information flows<sup>28</sup>. Supply of technologies, vehicles and other means should also be envisaged to improve the control of the land border between Libya and the neighbouring countries.

There is also a crucial role for local stabilisation efforts to strengthen cooperation with host communities. An ongoing project in Southern Libya by IOM has been under way since May 2016. It addresses host communities, internally displaced persons and migrants, and could be assessed to determine whether the project should be extended and replicated elsewhere. Through the Instrument contributing to Stability and Peace, the EU supports several projects to help conflict resolution, implement an agreement among conflicting parties, and reinforce community-level efforts towards violence reduction, especially in Southern Libya.

The EU's contribution to migration management to the South of Libya includes support to security and defence capacity building and to processes of regional security cooperation in the Sahel, in particular in the framework of the G5. The EU Training Mission and EUCAP Sahel Mali<sup>29</sup> contribute to improving border control in Mali through training and advice activities. Niger, as a main transit cross-road for migrants on their way to Europe, benefits from a stronger CSDP engagement, including a permanent presence of EUCAP Sahel Niger<sup>30</sup> mission in Agadez. This is aimed at supporting the Nigerien authorities to address irregular migration and fight related trafficking in human beings and organised crime. In the framework of the regionalisation of CSDP Missions in the Sahel and the expected establishment of a CSDP network in the region, further support in these fields to other countries in the region, notably Mauritania, Burkina Faso and Chad, is being extended.

The work taken forward with Niger under the Partnership Framework should be fully exploited to slow down flows through the southern Libyan border. The number of persons leaving Niger to attempt

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<sup>28</sup> This could also take advantage of Eurosur Fusion Services.

<sup>29</sup> EUCAP Sahel Mali was launched in January 2015, following the deployment of EU Training Mission Mali in 2013, in order to improve the capacities of Malian internal security forces with a view to improving their operational efficiency, re-establishing their respective hierarchical chains, reinforcing the role of judicial and administrative authorities with regard to the management and supervision of their missions, and facilitating their redeployment to the north of the country.

<sup>30</sup> EUCAP Sahel Niger was launched in July 2012 in order to improve the capacities of Nigerien security forces to fight terrorism and organised crime, and to contribute to enhancing political stability, security, and governance in Niger. Since 2015 the Mission has been assisting with better control and management of migration flows, to fight against irregular migration and to reduce the level of associated crime.

the dangerous crossing of the Sahara has fallen from over 70,000 in May 2016 to around 1,500 in November<sup>31</sup>. The work in Agadez can play a key role in this respect. Concrete steps could include a further outreach to the communities and migrants with information, awareness-raising, and the extension of assisted voluntary return and reintegration measures from locations beyond Agadez and Niamey. Agadez could also help as a staging post for assisted voluntary return of migrants stranded in Libya. This is linked to ongoing support to the border authorities of Niger to better control the Niger-Libya border.

Furthermore, support will be provided to the Agadez area developing a local economy which is not associated to smuggling. Efforts to strengthen Niger's control of the Niger-Libya border, to control the flow of migrants, and to assist with voluntary returns, need to take account of the potential impacts on communities in Northern Niger that are economically sustained by migrant smuggling, again to ensure adequate alternative livelihoods and access to viable and legal markets to replace migrant smuggling.

The intense cooperation with Niger also includes targeted measures against smugglers. The strategy Niger is developing includes joint investigation teams, implementation of the anti-smuggling law of 2015, and building capacity for investigators and prosecutors to contribute towards enforcement of controls of flows passing through Niger. A European Migration Liaison Officer and a European Border and Coast Guard Agency liaison officer will be shortly deployed to Niger to help the EU further step up its capacity to discuss and develop cooperation with Nigerien authorities in tackling irregular migration and in better organising the migration management.

Enhanced links between the EU presence in Niger and Mali and Europol can also improve assessment and analysis of trafficking and smugglers' activities, and provide better support to local authorities, tying in with an existing programme supported by the EU Trust Fund for Africa to build links with Interpol. This successful model, which has been proven to reduce numbers, should be replicated with other regional partners, notably Mali, Chad, Egypt, Algeria and Sudan, as well as in other countries covered by the Khartoum and Rabat processes.

The EU is already actively promoting dialogue between Libya and its Southern neighbours on the management of their common borders and cooperation on intelligence on migration routes. An EU-Libya Committee on Integrated Land Border Management was set up in August 2016 for exchanges on border management. Another potential forum for further operational cooperation in the region is the Africa-Frontex Intelligence Community, which provides a framework for regular knowledge and intelligence sharing in the field of border security, and could develop risk analysis and deploy short-term missions to identify migration routes and possible shifts, with a possible support of satellite images. Dialogue will feed into potential priority actions and sectors for increased cooperation under the EU Trust Fund for Africa. Regional programmes, such as Euromed Migration IV<sup>32</sup> and Mediterranean City to City Migration Profiles<sup>33</sup>, offer privileged platforms to foster dialogue on migration between the countries in the region and share experience and best practices at regional level. This work was given impetus by a meeting in June 2016 between the High Representative/Vice-President and the Foreign Ministers of Libya, Niger and Chad on border management. This forum can be further used to address the smuggling dimension.

<b>Key actions:</b>
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<sup>31</sup> COM (2016) 960 final of 14.12.2016, Second Progress Report: First Deliverables on the Partnership Framework with third countries under the European Agenda on Migration.

<sup>32</sup> A EUR 6.4 million regional project (ENI funding), implementing a comprehensive and shared approach to strengthen effective dialogue and cooperation on migration, mobility and international protection issues in the Neighbourhood South region.

<sup>33</sup> A EUR 1.9 million regional project (NEAR-TS funding), contributing to improved migration planning at city level in the Southern Mediterranean region through: cooperation among city representatives and experts through a dedicated network in five Southern and five European cities.

- Deploy the full range of EU missions and projects to support the Libyan authorities in border management and migrant protection in Southern Libya;
- Promote border cooperation, dialogue and exchange of information between Libya and its Southern neighbours, including using the Africa-Frontex Intelligence Community to full potential;
- Building on existing cooperation with Niger under the Partnership Framework, take further action to address the northwards migration pressure, tackle smuggling and promote assisted voluntary returns.

## **6. INCREASED COOPERATION WITH EGYPT, TUNISIA AND ALGERIA – PREVENTING IRREGULAR MIGRATION AND THE DISPLACEMENT OF ROUTES**

In taking joint actions with Libya, the risk that other routes could develop in neighbouring countries needs to be minimised by deepening dialogue and cooperation on migration within the region. Countries such as Algeria, Egypt and Tunisia, which host substantial numbers of migrants, would be candidates for support to assisted voluntary return. Further assistance to these countries to develop their own functioning asylum system and to support those in need of international protection would also be needed. Cooperation with the United Nations and EU Agencies<sup>34</sup> could also be put on a more stable basis, as well as their participation in common initiatives such as the Seahorse Mediterranean Network. This would promote both practical cooperation and a common approach toward better migration management, saving lives at sea in full respect of human rights in line with international and EU standards.

The EU's Association Agreement with Egypt from 2004 contained provisions on migration cooperation, but there was only limited follow-up. The formal EU-Egypt dialogue has been revived under the revised European Neighbourhood Policy, and the EU-Egypt Partnership Priorities<sup>35</sup>, the overarching political framework to guide the relations for the coming years, will include a dedicated chapter on strengthening cooperation on all aspects of migration and mobility. This is now a major feature in political-level contacts, most recently with the visits of several Commissioners to Cairo in the autumn of 2016 and followed up by a senior officials visit on 22 January, as a result of which the EU looks forward to soon launch a comprehensive migration cooperation with Egypt. The swift deployment of the European Migration Liaison Officer to the EU Delegation to Egypt will also step up this cooperation.

The scale of transit through and number of departures from Tunisia is low. Nevertheless, the framework provided by the Mobility Partnership concluded in March 2014 has brought better management of operational and financial support. The relations in this area are now being taken to a new level under the Partnership Framework<sup>36</sup>. The Joint Communication on Strengthening EU support for Tunisia<sup>37</sup> proposed to reinforce EU support from addressing the root causes of irregular migration to developing and implementing a comprehensive and effective national migration and asylum policy. This would include practical cooperation on return, legal migration opportunities and supporting Tunisia's capacity to prevent irregular migration. A EUR 23 million security sector reform project provides capacity building support in the area of border management. The imminent deployment of a European Migration Liaison Officer to the EU Delegation to Tunisia will act as a permanent support to step up cooperation.

<sup>34</sup> The European Border and Coast Guard Agency is discussing a working arrangement with Egyptian authorities.

<sup>35</sup> While the negotiations have been completed, the EU-Egypt Partnership Priorities have not yet been formally adopted.

<sup>36</sup> COM(2016) 385 final of 7 June 2016.

<sup>37</sup> JOIN(2016) 47 final of 29 September 2016.

In October 2016, Tunisia and the EU also held a first round of negotiations on visa facilitation and readmission agreements. The swift conclusion of these negotiations would make Tunisia the first country in the EU's Southern neighbourhood to benefit from an effective and ambitious visa facilitation agreement. The readmission agreement would put the migration relationship on a sound footing and should serve as a deterrent for potential transit migrants. Improved practical cooperation on readmission could already include faster identification of migrants and more efficient issuing of necessary travel documents.

The EU-Algeria Partnership Priorities<sup>38</sup> will include a closer cooperation on migration and mobility-related issues, while discussions are ongoing with the Algerian authorities for a first project to be funded by the EU Trust Fund for Africa<sup>39</sup>. Developing this cooperation would be able to take account of Algeria's position as both a country of origin and of transit.

**Key actions:**

- Deepen dialogue and operational cooperation on migration flows management with Egypt, Tunisia and Algeria;
- Enhance practical cooperation with the European Border and Coast Guard Agency, including on returns.

## **7. MOBILISING FUNDING FOR NORTH AFRICA**

While the main issue in addressing the migration flows in the Central Mediterranean route is not primarily lack of finances but rather to find a partners on the ground to implement the actions, a number of actions proposed in this Joint Communication, such as training and equipping the Libyan Coast Guard, improving the conditions of centres for migrants, stepping up assisted voluntary returns or cross border and regional cooperation, will require funding.

Some of these actions can be funded within the wide range of projects already under way: over EUR 50<sup>40</sup> million has already been set aside for Libya for migration-related projects. Further funding will be made available from a variety of sources. The EU Trust Fund for Africa, through its North Africa window, is the principal and dedicated instrument for that, with a strong focus on the Central Mediterranean route. An envelope of EUR 200 million will be made available for the North Africa window of this Fund in 2017. Priority will be given to migration-related projects concerning Libya. The Commission will re-examine further funding needs at a later stage in 2017, in the light of progress made in the implementation of actions identified in this Joint Communication and their results on the ground and in view of additional action in 2018. The EU Trust Fund for Africa is designed to allow for funding not only from the EU budget, but also from Member States' contributions. National financial contributions amount to EUR 152 million for the Trust Fund. Member States have also provided substantial support, notably through deploying assets such as vessels, and through bilateral programmes. Member States are invited to match the EU contribution to the North Africa window, to expand the scale of the interventions and maximise impact on the ground.

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<sup>38</sup> While the negotiations have been completed, the EU-Algeria Partnership Priorities have not yet been formally adopted.

<sup>39</sup> This project includes support to a statistical survey on migration, to the implementation of the National Strategy for Preventing and Combating Trafficking in Human Beings and to migrants' health (fighting HIV prevalence and tuberculosis).

<sup>40</sup> This figure includes EUR 30.5 million worth of migration projects in Libya funded under the European Neighbourhood Instrument, the Instrument contributing to Stability and Peace and the Regional Development Protection Programmes, and EUR 20 million funded under the EU Trust Fund for Africa.



The EU Trust Fund for Africa is proving an effective channel to deliver swiftly. The Commission can already conclude that it will continue to be a valuable tool for the actions under this Joint Communication.

**Key actions:**

- Mobilise EUR 200 million for the North Africa window of the EU Trust Fund for Africa for projects in 2017, with a priority focus on migration-related projects concerning Libya.
- Member States to match the EU contribution to the North Africa window of the EU Trust Fund for Africa.

## **8. CONCLUSION**

It is clear that as of spring 2017, if no further action is taken, uncontrolled irregular migration flows along the Central Mediterranean route will continue at the very high level recorded in 2016. As the vast majority of migrants attempt to cross the Mediterranean from Libyan shores, the EU Member States, notably those most affected by the flow, Italy and Malta, are working closely with the Libyan authorities to control these flows and save lives at sea. These efforts deserve to be fully supported by the European Union as a whole. Over the past two years, in line with the European Agenda on Migration, the EU has put in place a range of actions, policies and funding to help manage the refugee and migration crisis effectively, including along the Central Mediterranean route, in all aspects and in a spirit of solidarity.

The present Joint Communication builds on that work and sets out a further set of comprehensive operational actions to be taken rapidly by all actors to help save lives, fight smuggling, improve the conditions of migrants and refugees in the countries of transit in North Africa, encourage return to countries of origin and ultimately stem the flows. They focus on all the key stages along the Central Mediterranean route and take into account the wider regional context. While there is no silver bullet, taken together these actions could have a true impact and contribute to breaking the business model of smugglers and curtailing dangerous journeys across the Mediterranean. The success of these actions will require close cooperation by the relevant partners in North Africa and concerted efforts and commitments by the Member States, the EU institutions, as well as cooperation with international organisations like UNHCR and IOM. Some of the proposed actions can only be implemented to the full scale once the situation on the ground makes this possible. The actions proposed complement actions already taken under the European Agenda on Migration, such as the new Migration Partnership Framework with third countries and ongoing work to reinforce internal EU policies, such as the Common European Asylum System and joint actions on returns. On the basis of the foregoing, the Commission recommends that the Heads of State or Government meeting in Valletta on 3 February endorse the operational actions outlined in this Joint Communication and set out in Annex 1.