

Non Paper
on
Possible Involvement of Third Countries in Maritime Surveillance and Search and Rescue

1. The analysis of the recent trends of irregular migration flows towards the European Union does not allow us to be optimistic. As you may know, more than 170,000 irregular migrants, departed mostly from Lybia, were rescued at sea and taken to Italy in 2014. In the first two months of 2015, despite the end of Mare Nostrum, irregular migrants arrived so far are almost twice than in the same period of last year (7,822 compared to 4,548).
2. Not to mention the humanitarian tragedy. In 2014, according to UNHCR sources, more than 3,500 migrants lost their lives in the Mediterranean sea. The last tragic event occurred some weeks ago, when about 300 people would be drowned off the Libyan coasts.
3. Moreover, the risk is high that the revenues of this criminal trafficking could be utilized to finance illegal and/or terrorist activities with the consequent negative spill-over in terms of security and stability, notably in Lybia.
4. Against this critical backdrop, the EU Member States and relevant EU institutions and agencies have to take adequate, quick and effective actions.
5. The measures already adopted and those to be enhanced, enabling our domestic reception and management systems to cope with this huge and increasing mixed migratory flows, are of great importance. Indeed, we have to guarantee higher and higher levels of assistance, identification procedures and asylum processes, while ensuring the return of those not entitled of international protection. Beyond that, the current situation is so serious that a radical change in the EU perspective is required.
6. We have to make all possible efforts to prevent the departure of migrants from the southern shores of the Mediterranean, primarily in order to stop this sequence of tragedies at sea. In this regard, one viable option is a gradual and direct involvement of reliable third countries in the maritime surveillance and search and rescue activity.
7. We are all aware that Libya is unable to patrol their coasts and territorial waters, and has no search and rescue capacity. As a consequence, for a long time Italy - autonomously and also supported by other EU Member States under Frontex coordinated joint operations, like Triton and the previous ones - has been engaging in the challenging mission aimed at saving as many lives at sea as possible.
8. Now the objective should be to share such a heavy burden with those third countries, which intend to commit themselves by taking their part of responsibility in the management of this unprecedented migratory and humanitarian emergency that is taking place in our common Mediterranean region.
9. There is also to consider the circumstance that lately, always more often, sea tragedies occur right off the Lybian shores where third countries, thanks to the geographical proximity, can intervene in a quicker and more effective way in order to save the greatest possible number of lives.

10. In concrete terms, *ad hoc* operational cooperation mechanisms in the field of maritime surveillance and search and rescue should be put into place. Based on that, upon request of the Italian authorities and where feasible, naval units from those third countries, which are responsible for SAR areas close to Libya's one, could intervene and rescue migrants in distress at sea. Afterwards, they could take them to their own ports, in accordance with the principle of "place of safety", as foreseen by the Law of the Sea.
11. That direct involvement of a given third country in saving human lives at sea should be adequately supported by the EU, by means of financing and providing technical assistance. In this regard, the Member States and the relevant EU agencies and international organizations, such as UNHCR and IOM, should provide the competent third country authorities with their expertise in the field of mixed migratory flows management, international protection procedures, assistance to vulnerable persons and return of irregular migrants to their country of origin.
12. This approach, based on an effective responsibility sharing between the EU and third countries concerned, should be developed, of course, in full compliance with the EU and international legal framework. In any case, it necessarily implies a serious and strong commitment of Member States and the EU as a whole in enhancing the institutional and operational capacity of the partners.
13. This possible cooperation avenue has already been bilaterally explored, even though in general terms, with the North African countries, notably Egypt and Tunisia. Nevertheless, it is clear that a joint diplomatic action towards the Governments of Egypt and Tunisia by main Member States and EU as a whole is crucial.
14. In our view, this new possible pattern to face the huge challenges posed by the increasing migratory pressures in the Mediterranean region would also produce a real deterrent effect, so that less and less migrants would be ready to put their life at risk to reach the European coasts. This will bring about the downscaling of this phenomenon in mid-long terms.