



Statewatch coverage of the migrant crisis in the Mediterranean 24 June 2015

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Key Analysis and Documents

1. Statewatch Special Report: ["War" to be declared on migrants who - fleeing from war, persecution and poverty - have arrived in the EU are to be contained and detained in "Structured border zones" to be set up to "ensure the swift identification, registration and fingerprinting of migrants \("hotspots"\)"](#)

This is set out in the Draft Conclusions of the European Council [the EU Heads of State] meeting on 25 and 26 June 2015: [Draft conclusions](#) (pdf)

Section 5.c says: **"the setting up of structured border zones and facilities in the frontline Member States, with the active support of Member States' experts and of EASO, Frontex and Europol to ensure the swift identification, registration and fingerprinting of migrants ("hotspots");"** [emphasis added]

Will the "swift fingerprinting" of those described here as "illegal" migrants involve coercive measures? See: Statewatch Briefing on a "Working Document" issued for discussion by the Commission: [Coercive measures or expulsion: Fingerprinting migrants](#) (pdf):

*"If the data-subject still refuses to cooperate it is suggested that officials **trained in the "proportionate use of coercion"** may apply the minimum level of coercion required, while ensuring respect of the dignity and physical integrity of the data-subject.."*

Statewatch Director, Tony Bunyan comments: *"Where is the EU going? Migrants, including pregnant women and minors, who have fled from war, persecution and poverty are to be forcibly finger-printed or held in detention until they acquiesce or are expelled and banned from re-entry."*

Steve Peers, Professor of Law, University of Essex comments on the Draft Conclusions:

"It is remarkable that Member States (if this draft is accepted) are indeed willing to accept the relocation of 40,000 asylum-seekers from Italy and Greece, and 20,000 resettled refugees."

It is also notable that all Member States will participate in the latter decision - with even the UK agreeing recently to resettle a few hundred more Syrians. This is a very modest amount of the numbers needing protection however.

The European Asylum Support Office does not seem to have the powers to participate in fingerprinting asylum-seekers, and the reference to 'bringing together' rules on fast-tracking asylum applications is very vague. Is the intention to lower standards, and if so, how exactly? Any moves to negotiate more readmission agreements and to expel more people who supposedly have no need for protection will have to comply fully with EU, ECHR and all national and international human rights standards.

Equally if Frontex is to gain more powers over expulsion it must be made more fully accountable, including as regards individual complaints against it."

See: [UN says one million refugees should be no problem for EU](#) (euractiv, link): *"The UN rights chief yesterday (15 June) called for the European Union to take bolder steps to address its swelling migrant crisis, insisting the bloc could easily take in one million refugees"*

2. EU: [Jailing migrant families together with convicted criminals: A desperate EU policy to deter irregular migration](#) by Steve Peers, Professor of Law, University of Essex:

"Taken together, the loss of these protections will mean that irregular migrants, including irregular migrant families, will not only be detained in ordinary prisons, but mixed in with the ordinary prison population of convicted criminals and those awaiting trial for serious crimes. Moreover, their capacity to challenge their detention by means of judicial review will be severely curtailed.

Coupled with the recent Commission paper offering guidelines for using force, including against pregnant women, on migrants who refuse to be fingerprinted, this represents a significant turn in EU policy - turning toward direct and indirect threats of physical violence to control their behaviour and induce them to leave.

To say the least, this is hard to square with the EU's frequent professions of support for the human rights and decent treatment of migrants."

See: [Letter from Commissioner Avramopolous to Ministers with Annex](#) (Statewatch version, 75KB) or [link to Council's 10.5 MB version](#) (pdf)

3. EU: MED-CRISIS: Official statement on the launch of EUNAVFOR: [Council launches EU naval operation to disrupt human smugglers and traffickers in the Mediterranean](#) (Council of the European Union, pdf):

*"The first phase focuses on surveillance and assessment of human smuggling and trafficking networks in the Southern Central Mediterranean.... The Council will assess when to move beyond this first step, taking into account a **UN mandate** and the **consent of the coastal states** concerned.."* [emphasis added]

It is by no means certain that a UN mandate will be forthcoming as this requires the consent of the affected states, in this case Libya. The EU's own mission in Libya, EUBAM, withdrew from from the country last autumn, has been slimmed down and is now based in Tunisia because of the highly unstable security situation in Libya where two separate governments are vying for power in addition to a number of warring groups:..See:

EU and political situation in Libya: [Interim Strategic Review of EUBAM Libya](#) (LIMITE doc no: 7886-15, 13 April 2015, pdf): *"a number of additional considerations have arisen as a result of the mission's relocation to Tunis. The mission's legal status in Tunis is still unclear, with the Tunisian authorities unofficially indicating that they would prefer not to explore the issue....its presence in Tunis will make it difficult for mission staff to assess conditions and operate in Libya"* [emphasis added]

4. Statewatch Briefing: [Coercive measures or expulsion: Fingerprinting migrants](#) (pdf):

New guidelines released by the European Commission allow Member States to use physical and mental coercive measures to take fingerprints of migrants and asylum seekers entering Europe, including minors and pregnant women. If they refuse, they face detention, expulsion and a potential five year EU-wide ban.

*"If the data-subject still refuses to cooperate it is suggested that **officials trained in the proportionate use of coercion may apply the minimum level of coercion** required, while ensuring respect of the dignity and physical integrity of the data-subject.."* [emphasis added]

5. Statewatch Analysis: [The EUs Planned War on Smugglers](#) (pdf) by Steve Peers, Professor of Law, University of Essex:

*"it is clear from the documents discussed in the EUs Political and Security Committee last week that (unless plans have changed radically in the meantime) **the High Representative is being economical with the truth**. The EU action clearly contemplates action by ground forces. Moreover, it anticipates the possible **loss of life** not only of smugglers but also of **Member States forces and refugees**. In effect, **the EU is planning to declare war on migrant smugglers** without thinking through the consequences."*

6. [Secret EU plan for a war on smugglers - document](#) (PSC, pdf)

7. Press Release: [Council establishes EU naval operation to disrupt human smugglers in the Mediterranean](#) (pdf) and [Comparison between Draft and Final Statements](#) (pdf)

8. European Commission: [A European Agenda on Migration](#) (COM 240-15, pdf)

9. Mission in the Med could call for financial support under the: [ATHENA Council Decision](#) (pdf)

10. European External Action Service: [Libya, a Political Framework for a Crisis Approach](#) (LIMITE doc no: 13829-14, pdf)

11. [Ongoing EU external operations](#) (European External Action service, pdf)

NEWS

1. EU: [German-Italian-French non-paper on EU migration policy](#) (pdf) and [Letter](#) (pdf). Includes:

- Dialogue with source/transit countries: At upcoming EU-Africa summit in Malta "we should also discuss the relationship between migration and mobility and their impact on development, the promotion of fair trade and the strengthening of security cooperation as well as return and readmission issues"

- Proposal for EU CSDP civilian mission in Niger: [EUCAP Sahel Niger](#) to become permanent and "work even more closely with Nigerien authorities in the fight against smuggling and trafficking in human beings"

- Adequate funding for continued "engagement" with countries in the Horn of Africa, to deal with migration from/through those countries (in the recent ISF-Police work programme some money was put aside for this, see: [Annual Work Programme for 2015 for support to Union Actions under the Internal Security Fund – Police cooperation and crime prevention](#) (pdf)

- "We must increase the effectiveness of return and readmission programmes"

And: "Our migration policy goals should relate to other relevant horizontal foreign policies such as counter-terrorism, maritime security, water and climate policy and a reviewed European Neighbourhood Policy which also considers the neighbours of our neighbours."

2. EU: MED-CRISIS: European External Action Service (EEAS): [European Union Naval Force - Mediterranean](#) (Press statement, pdf): Contributing States: Currently 14 Member States (BE, DE, EL, ES, FI, FR, HU, IT, LT, LU, NL, SE, SI, UK):

"The Council shall assess whether the conditions for transition beyond the first phase have been met, taking into account any applicable UN Security Council Resolution and consent by the Coastal States concerned."

Consent is needed for the EU to act within the territorial waters of another state (eg: Libya) and see: Comments below on this position.

See also: [EU foreign ministers to agree on Mediterranean intelligence operations](#) (euractiv, link): *"EU foreign affairs ministers will today (22 June) agree on an intelligence gathering operation, the first phase of the bloc's response to the burgeoning migration crisis in the Mediterranean, but military action against people smugglers will depend on the support of Libya's National Unity Government and the United Nations."* and [Naval bid to tackle migrants in Med](#) (Yahoo News, link): *"With GCHQ - Britain's listening post in Cheltenham - said to be tracking the activities of smuggling gangs moving people to the Libyan coast, Defence Secretary Michael Fallon indicated that he wanted to see more intelligence-sharing."* also: [Exclusive: France backs Italy-UK Plan for Sicily Intel Cell](#) (Migrant Report, link)

See: [EU agrees to launch military operation against people smugglers](#) (FT, link): *"EU officials have warned that casualties were possible after deciding to launch military action against people smugglers in the Mediterranean. Ministers of the 28-country bloc meeting in Luxembourg on Monday gave the go-ahead for a controversial intelligence gathering operation, which will precede full-blown military action this year ... "The use of firepower will be done in such a way that we do all we can to prevent any casualties to anyone," said one EU official. "There is a difference between smugglers and migrants. If they are migrants, we will be even more cautious." Asked whether the military operation created the risk of collateral casualties, the official replied: "Of course it would."* and: [EU navies take up position in Mediterranean](#) (euobserver, link)

3. EU: European External Action Service (EEAS): EU prepares to go to "war" in the Med: [Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council for](#)

[a Council Decision launching the European Union military operation in the Southern Central Mediterranean \(EUNAVFOR MED\)](#) (pdf);

"The Operation Plan and the Rules of Engagement concerning the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED) are approved.... EUNAVFOR MED shall be launched on xxx 2015."

See: [EU naval mission for Med gets green light](#) (Politico, link)

See also: [Draft Council Decision on a European Union military operation in the Southern Central Mediterranean \(EUNAVFOR MED\)](#) (LIMITE doc no: 8921-15, pdf) and [Proposal for for a Council Decision on a European Union military operation in the Southern Central Mediterranean \(EUNAVFOR Med\)](#) (LIMITE doc no: 8731-15, pdf): This contains details on:

Mission: *"The Union shall conduct a military crisis management operation contributing to the disruption of the business model of human smuggling networks... systematic efforts to dispose of vessels and assets before they are used by smugglers"*

Mandate: includes: *"boarding search, seize and diversion of smuggling ships"*

"The Operation Headquarters of EUNAVFOR MED shall be located in Rome, Italy"

"PSC shall exercise the political control and strategic direction of EUNAVFOR MED" [Political Security Committee]

"The EUMC shall monitor the proper execution of EUNAVFOR MED conducted under the responsibility of the EU Operation Commander" [EU Military Committee]

"The Council hereby authorises the PSC to invite third States to offer contributions"

4. EU: **No agreement on sharing "relocation" of migrants:** Council of the European Union: Justice and Home Affairs Council, 15-16 June 2015, Luxembourg: [Final press release](#) (pdf):

"As regards the concrete proposal on relocation, Ministers stressed that on the basis of the principle of solidarity they are all ready to make an effort to help member states under a particular migratory pressure. Several delegations stressed the necessity to strike the right balance between solidarity and responsibility.. Ministers invited the Council's preparatory bodies to continue these discussions with the aim of achieving full implementation as soon as possible."

See also; [Civil Liberties Committee Chair, Claude Moraes, regrets EU minister's failure to reach agreement on the migration package](#) (EP Press release, pdf)

5. EU: Council of the European Union: LIMITE documents: **Migration - Policy debate & European Council draft Conclusions**

- [European Agenda on Migration - Policy debate](#) (LIMITE doc no: 9825-15, 11 June 2015, pdf)
Many areas of disagreement between Member States on how to respond to the crisis in the Mediterranean:

*""Immediate Action" but also builds on four pillars as a basis for a comprehensive European migration policy: - **Reducing incentives for irregular migration**; - Border management; - Strong common asylum policy; - New policy on legal migration....*

*There is wide consensus with regard to the need to further cooperate with third countries since both the root causes of and solutions to migration related issues can be sought there. In order to ensure a genuinely comprehensive approach, some Member States have suggested to strengthen the **links with the Internal Security Strategy** and measures proposed therein....*

Member States' views differ on the proposed concept of relocation in order to respond to high volumes of arrivals that includes temporary scheme for persons in need of international national

protection.. *The total number of persons to be relocated, the available funding, and the capacity of the Member States' structures to deal with relocation were equally questioned...*" [emphasis added]

and: Update: [COR -1](#) (LIMITE doc no: 9825-15, 12 June 2015, pdf)

- [European Council \(25 and 26 June 2015\) - Draft guidelines for the conclusions](#) (LIMITE doc no: 8392-15, 10 June 2015, pdf): Covers Mediterranean crisis response, security challenges, economic issues, the Digital Agenda and the UK:

Position on "1. *Relocation / resettlement p.m.*" is blank as is Position: *"IV. UK p.m"* and *"Return policy: Mobilise all tools to promote readmission of unauthorised economic migrants to countries of origin and transit..."* [emphasis added]

read the restraint manual.

6. [Liquid Traces - The Left-to-Die Boat Case](#) (Vimeo, link): *"Liquid Traces offers a synthetic reconstruction of the events concerning what is known as the "left-to-die boat" case, in which 72 passengers who left the Libyan coast heading in the direction of the island of Lampedusa on board a small rubber boat were left to drift for 14 days in NATO's maritime surveillance area, despite several distress signals relaying their location, as well as repeated interactions, including at least one military helicopter visit and an encounter with a military ship. As a result, only 9 people survived."* See also: [Left ot die - report](#) (link)

7. EU: MED-CRISIS: [Germany and France urge Commission to revise immigration plan](#) (euractiv, link): *"Germany and France on Monday (1 June) urged the EU to find a fairer way to admit and distribute asylum seekers, as their leaders met the European Commission chief in Berlin..... France and Germany said in the joint statement that they currently were among five member states, along with Sweden, Italy and Hungary, that "are in charge of 75% of the asylum seekers". "This situation is not fair and no longer sustainable," they said."*

See European Commission: [Recommendation of XXX on a European resettlement scheme](#) (COM 286-15, pdf) and [Annexes](#) (pdf)

8. EU: MED-CRISIS: European Commission: [Recommendation of XXX on a European resettlement scheme](#) (COM 286-15, pdf): It was going to be 5,000 people, then 40,000 now:

"The Commission recommends that Member State resettle 20 000 people in need of international protection"

and [Annexes](#) (pdf)

8. [The new EU Migration Agenda takes shape: analysis of the first new measures](#) (EU Law Analysis, link)

9. EU: MED CRISIS: Press coverage:

[EU's refugee plans need a reality check: The EU this week outlined plans to resettle and relocate refugees, but one expert taking a closer look at the proposals argues they put the rights of migrants and asylum seekers at risk.](#) (The Local, link) Good critique of EU plans

[EU border chief wants protection from armed smugglers: The EU's border agency Frontex wants military protection from armed migrant smugglers as it expands operations in the Mediterranean and closer to the Libyan coast](#) (euobserver, link)

[British tourists complain that impoverished boat migrants are making holidays 'awkward' in Kos](#) (Independent, link)

[Mediterranean migrant crisis: Hundreds rescued off Sicily](#) (BBC News, link) and [Migration: Are more people on the move than ever before?](#) (BBC, link) with map

[Italy Hands Smuggler Unprecedented Life Sentence as Europe Prepares for Migrant Deluge](#) (BB, link)

[Tunisian - and Top E.U. Generals - Fear Mission Creep Madness in Libya](#) (The Daily Beast, link): *"A newly revealed classified document and a history of grave misjudgments warn against the dangers of the new EU plan to stop migrants.... Europe's defense chiefs are warning their political superiors that the planned military mission to stop migrant-smuggling boats crossing the Mediterranean can lead to land operations in Libya and possible clashes with the Islamic State's affiliate in that failing North African state, a turn of events bound to threaten neighboring Tunisia's fragile equilibrium still further."*

[Tunisian PM Speaks Against EU Military Action to Stop Refugee Smugglers](#) (Sputnik News, link):

"Tunisia opposes any military effort by the EU to tackle refugee smuggling across the Mediterranean Sea, Prime Minister Habib Essid said Thursday. "Tunisia's position was always clear... We are originally against all military action, both to regulate political conflict and to regulate the problem with illegal smugglers," Essid said in the European Parliament."

[Migrants en Méditerranée : la Tunisie contre toute intervention militaire](#) [Migrants in the Mediterranean: Tunisia against all military intervention] (rtbf.be, link):

"Habib Essid said that his country is "against any military intervention to solve this problem. This problem must be resolved upstream and downstream. These people take risks, sell everything they have around them to come to Europe, for more freedom, for better economic opportunities for work. I know the problems this poses for all countries of the European Union, but the solution is to look other than make occasional military interventions."

The European Parliament press release does not mention these comments: [Tunisia's Prime Minister Habib Essid on security and migration challenges](#) (pdf)

[Before the Boat: Understanding the Migrant Journey](#) (MPI, link): *"Deep, sophisticated insight into the decision-making process of those who undertake these journeys is necessary; without this information and a wider understanding of the political economy of migrant smuggling, policymakers essentially are making decisions in the dark."*

10. EU: MED-CRISIS: [ACP: Destroying boats is not a solution to migration](#) (euractiv, link): *"The Secretary-General of the ACP (African, Caribbean and Pacific) group of states said yesterday (21 May) that his organisation was against the EU's idea of destroying the boats of human traffickers, who make fortunes by luring prospective immigrants into risky journeys across the Mediterranean."*

And see: [Twisting the 'lessons of history' to authorise unjustifiable violence: the Mediterranean crisis](#) (Open Democracy, link): *"More than 300 slavery and migration scholars respond to those advocating for military force against migrants attempting to cross the Mediterranean. This is no slave trade. Where is the moral justification for actions that cost lives?"*

Also: ["The War on migrants and refugees: has the 'never again' imperative been forgotten?"](#) (Franck Duveill, link): *"This imperative derived from the lessons learned from the Holocaust and the failure to rescue the European Jews has now been relinquished it seems. Are we now back at the moral state of the 1930s where unwanted populations are removed from the 'realm of moral subjects' (Bauman 1996) and killed or left to die and the needy are turned away and refused shelter?"*

11. EU: European Parliament: [Migration: MEPs debate EU response](#) (pdf): *"MEPs discussed on 20 May European Commission plans to tackle the large numbers of migrants seeking to reach the European Union, often risking their lives at sea. Commission vice president Frans Timmermans and*

migration commissioner Dimitris Avramopoulos announced a number of measures, including an emergency mechanism for relocating migrants, a resettlement scheme to take in migrants from countries outside the EU and more funds for securing borders."

See also: [MEPs angry at member states over immigration](#) (euractiv, link): *"EU lawmakers on Wednesday accused some member states of passing the buck by rejecting a Brussels plan for binding quotas for refugees making the dangerous Mediterranean crossing."*

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