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NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Migration policy: implementation
- External aspects: contribution of Ministers of Interior
= Discussion paper

Introduction

On 3 February 2017, the Malta Declaration was adopted setting out a series of priorities and measures to better address the situation along the Central Mediterranean route with a view to reducing the number of crossings and therefore contributing, at the same time, to saving lives at sea. To operationalise the Malta Declaration, the Maltese Presidency presented an Implementation Plan, drafted in close cooperation with the Commission and the High Representative. This Plan focuses on the priority aspects identified in paragraph 6 of that Declaration. The Plan received strong support in Coreper on 9 February and its implementation has now taken off.

The Maltese Presidency will ensure the close monitoring of the results via the IPCR-mechanism, with Coreper maintaining a steering role over the implementation of the Declaration. At the first high-level IPCR-roundtable, on 3 March, the relevant stakeholders exchanged views on the implementation of the priorities identified in paragraph 6 of the Declaration. The Maltese Presidency also presented a preliminary report to the European Council on 9 March explaining the progress on the overall approach.

To achieve the objectives set out in the Declaration, all actors involved should work determinedly and speedily. Interior Ministers have an important role to play in the implementation of some of the actions foreseen.

To this end, the Presidency would like to invite Ministers to express their views on possible support to the actions listed below, which require the expertise of migration and/or law enforcement experts.

(A) Supporting IOM in significantly stepping up assisted voluntary return activities

The actions listed in the Implementation Plan build on and scale up the project with IOM beyond a target of return of 5,000 migrants. IOM has stated that, without having started increased out-reach and counselling activities, many more have already expressed a wish to return home. In order to meet the needs on the ground and increase the number of such voluntary returns, IOM would need to recruit more staff, post international staff in Tripoli (IOM office planned to be open by the end of March 2017) and more importantly, assist the country of origin's consuls in neighbouring countries to increase their capacity to issue travel documents. This is currently considered the main bottleneck in carrying out assisted voluntary returns from Libya. Relevant EU Delegations and Member States' embassies will raise the issue at diplomatic level, with the countries of origin, to facilitate IOM's activities. However, depending on the needs of the country of origin in question, the EU could also offer more tailor-made assistance, e.g. technical equipment, financial assistance to cover travel expenses for consular staff on identification missions in Libya , etc. in order to have a more efficient procedure ensuring better results in a shorter period of time.

Ministers are therefore invited to reply to the following questions:

1. *How could the EU and its Member States improve their assistance to the consular activities of the country of origin, giving priority to those countries who have the largest number of migrants willing to return voluntarily from Libya ?*

(B) Helping to reduce the pressure on Libya's land borders, keeping track of alternative routes and possible diversion of smugglers' activities as well as deepening dialogue and cooperation on migration with all countries neighbouring Libya

These priorities, which have been identified in the Malta Declaration are closely interlinked, and necessitate a strengthened and comprehensive EU effort in the region both at political and technical level. Measures to be adopted should consider the objective that the migratory flows should be significantly reduced even before migrants cross the Sahara, which represents a dangerous, and at times deadly, journey. The EU is already present in that region. Three CSDP missions are in place and, as part of the Implementation Plan, it is foreseen to continue expanding and regionalising the CSDP engagement to address migration issues, migrant smuggling and trafficking of human beings, pursue work under the Partnership Framework and increase support to the Nigerien authorities to further consolidate current efforts to implement the national Action Plan, including actions against migrants smuggling in Agadez. EMLOs are in place in neighbouring countries and a FRONTEX liaison officer will soon be deployed in Niamey, Niger. Furthermore, a range of initiatives are in place to deepen dialogue and cooperation on better migration management in the region. The Africa-Frontex Intelligence Community (AFIC), is active in facilitating border cooperation, dialogue and exchange of migration-related information in the region.

Libya is not a participant in AFIC, but was invited to participate as an observer, in 2016. In its 2016 Joint Report, AFIC recommends to focus on some key countries, such as Niger as a key transit country, and to assist it in specific projects addressing irregular movements through Niger towards Libya¹.

Member States could provide assistance in these projects, which, if necessary, could be financed by the EU. Synergies could also be identified with regional projects funded in the framework of the EU Trust Fund for Africa. Other forms of operational and technical cooperation could also take place, e.g. Frontex assisting Member States and AFIC partners in the context of operational and technical cooperation between them.

Ministers are invited to reply to the following question:

2. *Is there scope for further measures to enhance operational and technical cooperation and assistance, including with AFIC partners to complement existing CSDP actions?*

(C) Synergies between the Malta Declaration and the Valletta Action Plan

The Malta Declaration mentions the Valletta Action Plan as part of the EU's long term engagement on migratory issues with a number of African partner countries, including Libya and its neighbours. At the recent Valletta Senior Officials' Meeting (SOM), held in Malta in February 2017, EU and African partners acknowledged the importance of maintaining this framework of cooperation, not only for long-term cooperation on the root causes of migration, but also for the most immediate priorities of saving lives, stemming irregular flows and countering migrant smuggling and trafficking, which are all areas that fall under the responsibility of Interior Ministers/Ministers responsible for migration.

¹ More specifically, two projects are proposed: helping Niger to establish a clear legal framework for legitimate travel towards Libya and establishing mobile border control points in two regions bordering Libya.

One of the main conclusions of the Valletta SOM was to rebalance the '5 Valletta pillars' with a view to getting further political commitment and financial support to all areas of the Joint Valletta Action Plan, which covers some of the aspects contained in the Malta Declaration. The Joint Valletta Action Plan, could be instrumental for:

- enhancing adequate reception capacities and conditions in Libya and neighbouring countries for migrants;
- improving the socio-economic situation and resilience of host communities in Libya and neighbouring countries;
- enhancing border management capacity on Libya's land borders;
- providing assistance and equipment to Libya and its neighbours to disrupt smuggling and trafficking activities.

Ministers are invited to reply to the following question:

3. *Based on the list of domains mentioned above, how could Member States support the swift implementation of actions contained in the Joint Valletta Action Plan that are also relevant for the Malta Declaration?*
