



NATO Parliamentary Assembly

THE MOVEMENT OF PEOPLE ACROSS THE MEDITERRANEAN: NEW TRENDS AND CHALLENGES

DRAFT SPECIAL REPORT

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* Until this document has been approved by the Committee on the Civil Dimension of Security, it represents only the views of the Rapporteur.

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I. INTRODUCTION

1. Located at the intersection of three continents, the Mediterranean has been witnessing major population flows since the dawn of civilisation. In modern times, the vector of this flow has been quite constant: people from Africa and Asia were trying to find a better life or protection from oppression in more economically developed and democratic European countries. Migration contributes considerably to Europe's economic well-being, but it also affects entrenched societal structures and cultural models. The debate in Europe on how to deal with migration has been on-going for decades, occupying an increasingly prominent place in national politics.

2. However, the events that shook the Arab world in 2011 added a new sense of urgency to the issue of population flows. Striking images of many thousands of Africans arriving in Malta and the Italian island of Lampedusa in shabby boats, lucky to have survived the dreadful and perilous sea journey, as well as news of hundreds or even thousands of those who perished never reaching European shores, propelled this question to the top of Europe's agenda. The way this problem was handled also raised fundamental questions about Europe's unity and solidarity and the value of freedom of movement. The crisis is still on-going in the Western Mediterranean region as thousands of people flee from the civil war atrocities in Syria.

3. While dealing with migration and refugees is not implied in NATO's mandate, the Alliance has been referred to in the context of the Mediterranean refugee crisis: some commentators argue that NATO's mission to protect civilians in Libya might imply protection of "boat people" as well. NATO's representatives have stated that the Alliance's ships participating in the anti-terrorist maritime operation in the Mediterranean - Active Endeavour - are also bound to the SOLAS (Safety of Life at Sea) agreement, which means that they are ready to extend assistance to anyone who is in distress at sea, including refugees. In the course of this NATO operation, more than 600 people in distress at sea were rescued by NATO's maritime assets.

4. This report aims to explore the gravity of the migration problem in the context of the Arab uprisings, to identify possible national security implications and to discuss possible ways to tackle this complex issue. The Rapporteur expects that the final version of this report will benefit substantially from the Assembly's GSM (the Mediterranean and Middle East Special Group) seminar in Sicily in October 2012.

5. In the context of this report, it is also worthwhile clarifying the difference between some key concepts, using terminology offered by the International Organization for Migration (IOM) as well as the Office of the United Nations High Commissioner for Refugees (UNHCR). *Migrant* is an individual who has resided in a foreign country for more than one year irrespective of the causes and the means used to migrate. Migration could be *orderly* (keeping with the migration laws of the country of origin, the country of transit and the country of destination) or *irregular* (movement that takes place outside of the migration laws; using the term 'irregular' is preferable to 'illegal', which carries a certain criminal and judgemental undertone). The term *illegal migration* is increasingly being limited to cases that involve criminal networks of smugglers and traffickers. *Smuggling* usually refers to cases where migrants choose to leave and pay smugglers for services, while in cases of *human trafficking* criminals have power over their 'clients'. Migrants are fundamentally different from *refugees*: while the former voluntarily leave their countries seeking a better life, the latter are forced to flee because their lives, security or freedom are threatened by conflicts or political, ethnic or racial discrimination and persecution. Yet, although the rights of migrants and refugees are governed by different international laws, they often use the same means and networks of transportation, and it is sometimes complicated to distinguish these two groups. *Asylum seekers* are people who claim to be refugees and await their application to be approved or rejected by national asylum systems of host countries. Finally, *internally displaced persons* (IDPs) are a category of people who have been forced to leave their homes due to conflicts, mass

violations of human rights or natural or man-made disasters, and who have not crossed international borders.

II. THE ARAB SPRING AND THE “BOAT PEOPLE”

A. THE GLOBAL CONTEXT

6. While the “boat people” crisis in Malta and Lampedusa grabbed the public attention in Europe, it must be put into a global perspective. The general trend is that the scale of migration has been growing substantially over the last few years. According to the IMO, in 2010 the number of migrants in the world reached 214 million; 30-50 million of them are ‘irregular migrants’. UNHCR estimates that there are approximately 44 million refugees worldwide, the highest number of the last two decades. An additional worrying factor is the decreasing level of voluntary repatriation: in 2010, fewer than 200,000 refugees chose to return home, down from the annual average of over a million in the last two decades.

7. Some regions in the world experience truly dramatic levels of population movement. For instance, as a result of drought and the decades-old conflict in Somalia, about 900,000 of Somalians fled their country, while another 1.5 million are IDPs. As a result, in 2011 every third Somalian was externally or internally displaced.

8. The overwhelming majority of refugees do not reach Europe or other wealthy countries; instead some developing countries bear the tremendous burden of hosting these refugees. For instance, some 700,000 people have fled Libya over land to neighbouring Egypt and Tunisia, and only 1-2% of them have eventually made it to Europe (Lewis, 2011). During the Libyan civil war, the sizeable community of foreign workers (about 1/5 of the population) felt particularly insecure and many of them chose to flee – back to their home countries rather than to Europe. The world’s largest refugee camp, Dadaab, is in Kenya, and it hosts more than 450,000 people, about five times its intended capacity. According to Antonio Guterres, the UN High Commissioner for Refugees, 85% of refugees live in developing countries; annually, South Africa alone receives as many asylum seekers as the entire European Union (Guterres, 2011). While Italy had to accommodate 61,000 “boat people” in 2011, Yemen received 103,000 people arriving by sea from Somalia in the same year.

B. 2011 MIGRATION CRISIS IN THE MEDITERRANEAN

9. That said, 2011 was an exceptional and a challenging year for the Mediterranean region, mainly because the number of asylum seekers skyrocketed so suddenly in comparison with previous years. Italy, as noted, received 61,000 people from North Africa, up from 4,000 in 2010. The tiny Island of Malta was reached by 1,574 irregular migrants, compared to merely 28 people in 2010. Greece’s borders were crossed by about 56,000 irregular migrants (it is a special case, however, as most of them arrived by land; their motives were also not necessarily related to the Arab Spring). Spain also saw a tangible increase of arrivals from North and West Africa – from 3,600 in 2010 to 5,500 in 2011.

10. One might argue that this level of irregular migration was not unprecedented: prior to the several-year period of decreasing migration, some of European Mediterranean countries had to deal with similar or even higher numbers of arrivals: in 2006, for example, Malta received about 1,800 people and Spain as many as 32,000. For Italy, the 2011 numbers were by far the highest in its recent history, but in 2008, for instance, they were also quite high – 38,000 irregular migrants from North Africa. However, what made the 2011 “boat people” crisis particularly challenging was the fact that most of these people arrived within a very short period of time – several months in the first part of the year, when the upheaval in North Africa was at its peak. Only three boats arrived

between mid-August 2011 and the end of the year, as new governments in Tunisia, Egypt and Libya managed to reinstate some order in their countries.

11. It is estimated that the upheaval prompted about 60,000 people from North Africa to travel by sea to Europe in the first half of 2011. Roughly 56,000 landed in Italy, about 2,500 reached the shores of Malta and Greece, and, staggeringly, at least 1,600 people are believed to have perished during the journey (UNHCR, 2012).

12. “Boat people” are not a homogeneous group. About half of them are Tunisians, the rest coming from other parts of North Africa. According to the EU’s border management agency Frontex, most of them were migrants rather than refugees. The amount of people willing to emigrate was accumulating in the region over the years, and the Arab Spring provided an opportunity to actually do so due to temporary lack of controls along the shores and the general law enforcement deficit. In addition, the weather conditions seemed favourable at the time, while the geographic proximity to Lampedusa was an attractive factor for many Tunisians. The majority of them were young single men, seeking employment in the European Union, particularly in low-skill sectors such agriculture or construction.

13. The Libyan case is different. Especially during the April-May 2011 period, many of those who reached Italian shores told that they were forced on board by armed guards, presumably as a part of implementing Qaddafi’s promise to “unleash an unprecedented wave of illegal immigration” on Europe. Passengers were forced to navigate boats themselves. The lack of food, absence of toilets, incidents of beatings and torture by some criminal elements among passengers turned these journeys into ineffably horrific and humiliating experiences, particularly for women and children on board.

14. The sudden and massive influx of North Africans in the beginning of 2011 caused a serious humanitarian crisis on Lampedusa as well as on Malta. At one point there were more than 10,000 migrants and refugees in Lampedusa: 3,000 of them were somehow accommodated in a detention centre designed for 800 people, while the rest were staying outside elsewhere on the island in truly degrading conditions with very little food and water. (Currently, very few refugees remain on Lampedusa: all new arrivals are being quickly processed and sent to other detention centres in Italy.) (Nadeau, 2011)

15. Italian authorities requested the EU’s assistance already in February 2011. Frontex immediately launched Joint Operation Hermes along the Italian Pelagic Islands and Sardinia, and some EU member states provided assets as well as debriefing experts. However, Italy and Malta were disappointed by the amount of support they received. Believing that its share of the burden was disproportionate, Italy deported more than half the Tunisian arrivals back to Tunisia; and, for the remaining ones issued temporary Schengen visas, which gave them the right to go almost anywhere in Europe.

16. The decision to issue Schengen visas, in turn, angered other European nations, particularly France, a natural destination for Tunisians due to linguistic and historic ties between the two countries, and caused a serious intra-European solidarity crisis.

C. THE SOUTH-EASTERN CORRIDOR

17. The South-Eastern route through Turkey and Greece is one of the most natural and popular ways for migrants to reach the rest of Europe. With some bilateral and multilateral measures taken in recent years to curb Central and Western Mediterranean routes, the Evros region on the Turkish-Greek border has become by far the major entry point, accounting for more than 80% of all irregular entries into the EU in 2010. In 2011, the border was crossed illegally by some 55,000 people. The Greek government, with its limited financial resources and its widely criticised

asylum system, faces a daunting challenge indeed, being under obligations of the EU's 'Dublin II regulation'. This regulation stipulates that it is the responsibility of an EU entry state to secure the rights and provide for the needs of irregular migrants and asylum seekers. It means that persons, who illegally entered the EU in Greece and then moved to another EU member state, are to be returned back to Greece. However, some EU member states – including Finland, Sweden, the United Kingdom and Germany – refused to do so, referring to the deficiencies in the Greek asylum system. In January 2011, the European Court of Human Rights ruled that Belgium should not have sent an Afghan asylum seeker back to Greece, his country of entry, due to the latter's inability to provide proper treatment (McDonough, 2012).

18. It has to be noted, however, that since 2010 Greece has made significant efforts to improve their asylum and irregular migration management systems. First Reception Centres were created to receive irregular migrants, to direct asylum seekers to regional asylum offices and to provide assistance to the most vulnerable persons, including women with children and victims of trafficking. The Greek government also introduced new ambitious policies aimed at fostering integration of migrants (Triandafyllidou, 2012).

19. The Arab Spring can potentially provide an additional strain on the South-East corridor, as the ongoing violent civil war forces tens of thousands of people to flee from their homes. In the Euro-Atlantic community, Turkey in particular faces the challenge of the Syrian refugee flow. Since April 2011, when the hostilities broke out in Syria, thousands of people fled to neighbouring Turkey. Currently, 17,000 Syrian refugees are registered in Turkey, and the number is growing every day. The Turkish authorities acted swiftly and accommodated refugees in detention centres in the Hatay region on the border with Syria. It is significant to note that more than 50% of the Syrian refugees in the camps in Turkey are women alone with their children.

20. Most of the Syrians who fled to Turkey are genuine refugees, pushed out of their homes against their will by the Syrian Army or by skyrocketing food prices as a result of the devaluation of the Syrian pound. It is likely that they will return home as soon as the situation in Syria improves, provided there are still homes to return to.

21. At the time of writing, the Syrian refugee crisis was turning into a formidable humanitarian problem. According to UNHCR, by March 2012 some 30,000 Syrians were officially registered as refugees, with hundreds of people crossing the border every day. Unofficially, however, the number is several times higher: many refuse to register out of fear of potential reprisals against their families back home. In Jordan, only about 7,000 refugees are officially registered, although a government spokesman has announced that as many as 80,000 Syrians sought refuge in Jordan since the beginning of 2011. It has to be noted, that the Euro-Atlantic community again has to deal with only a fraction of Syrian refugees – the majority of them seek shelter and security in neighbouring Lebanon and Jordan. In March 2012, the UN issued an appeal for US \$84 million to help Syrian refugees in Jordan, Lebanon, Turkey and Iraq. This amount is based on an estimate that in the next six months assistance will be needed to support some 100,000 people. The funds will be used by the UNHCR and other international bodies to ensure that Syrians and other refugees have access to neighbouring countries and to provide for the basic needs of the refugees, with special attention to the most vulnerable.

III. NATIONAL RESPONSES

22. Despite the existence of several relevant global and European initiatives, organisations and frameworks, national border control and migration management mechanisms as well as bilateral agreements between countries of origin and target countries remain at the heart of national strategies to deal with irregular migration.

23. Prior to the Arab Spring, countries that receive the largest share of irregular migrants from North Africa, including Italy, France and Spain, relied extensively on bilateral agreements with Tunisia, Egypt, Libya and other countries of the region. These agreements were indeed very successful in stemming irregular migration, largely thanks to improved national border control mechanisms and the practice of readmission. For instance, the 2008 agreement between Rome and Tripoli reduced irregular migration to Italy from more than 36,000 to 9,500 in just one year.

24. The Arab awakening has prompted a profound change in the Western countries' policy towards the region: the earlier essentially *realpolitik* approach is being abandoned, and much greater emphasis is being put on the values human rights and democracy. However, in terms of irregular migration, the change is much less evident. In fact, new interim governments in Tunisia, Egypt and Libya agreed to honour their predecessors' commitments to stem migration, and several new agreements were signed in the course of 2011. Italy's agreements with Tunisia, Libya and Egypt almost overnight stopped arrivals of new migrants from these countries, while many of those who arrived in Italy earlier in 2011 were repatriated. France and its traditional partner Tunisia agreed to continue with the earlier practice, whereby France would offer Tunisia an aid package, assistance in training coastal guards and legal employment of a certain number of Tunisian workers in exchange for stricter border control and readmission of those who arrived or stayed in France illegally. In February 2012, however, the European Court of Human Rights in Strasbourg made a decision criticising the 2008 agreement between Rome and Tripoli for its clause that allowed Italy to return a group of Somalis and Eritreans to Libya, a country with a then appalling human rights record. This ruling of the Court might have an influence on future similar agreements between European and North African countries.

25. European Mediterranean countries argue that such agreements are a necessity as the EU lacks solidarity on these matters, placing disproportionate burden on border countries. Italian Interior Minister Roberto Maroni, disappointed by the EU's reluctance to provide more assistance to Italy with the Lampedusa crisis, even went as far as to suggest that Italy would be better off if it pulled out of the EU. In an attempt to reduce pressure on Lampedusa, the Italian government issued temporary visas to North African people staying on the island, allowing them to travel within the Schengen area.

26. The decision caused a serious tension among the EU member states. Denmark, Austria, the Netherlands and even the German states of Bavaria and Hesse said they might introduce border checks, while France started patrolling its border with Italy. The viability of the Schengen Agreement was put into question (The Economist, 2011). Eventually, the EU managed to find a compromise, authorising temporary "reintroduction of internal border controls in a truly critical situation where a Member State is no longer able to comply with its obligations under the Schengen rules" (statement by the EU Council).

27. The above disagreements notwithstanding, co-operation on a practical level between European Mediterranean countries was quite effective. For instance, in April 2011, France and Italy began conducting joint air and naval patrols off the Tunisian coast. Practical co-operation agreements also exist between Italy and Malta, although their actual implementation is affected by occasional disagreements between the two countries over areas of jurisdiction and fair burden-sharing (Paoletti, 2011).

28. While according to international law migrants can be repatriated, those identified as refugees – among the "boat people", this term mostly applies to people fleeing from Libya – require a higher level of protection and support. Some bilateral efforts in this area are to be commended: for example, thus far, the United States have contributed at least \$26.5 million in aid for Libyan refugees, eased visa restrictions for Libyan students studying in the United States, and authorised military and civilian airlifts for refugee populations to other countries (Ulack, 2011). Eight European nations – Norway, Belgium, Denmark, Finland, the Netherlands, Ireland, Portugal and Sweden –

have offered to help relocating 700 Libyan refugees currently in camps in Egypt and Tunisia. The United Kingdom also reports its action in providing emergency shelter supplies and other vital humanitarian support to those affected by the conflict in Libya. However, the British government is disinclined to bring refugees to the United Kingdom from Libya and believes that "humanitarian and refugee issues are best dealt with in the region of origin, or by asylum seekers claiming protection in the first safe country they reach" (BBC, 2011).

29. Human rights organisations working in the field of migration and refugees believe that much more can be done to help people forced to leave their homes by the turmoil in the MENA (Middle East and North Africa) region. UNHCR has complained about the "grudging" response from European countries to accept more refugees from Libya (Wheeler & Oghanna, 2011). Such a response is not surprising in the context where anti-immigration attitudes are increasingly prevailing and parties that advocate stricter immigration policy enjoy popularity. National efforts to assist refugees are welcome, but they cannot be sufficient; the greater role of multilateral mechanisms is of critical importance.

IV. MULTINATIONAL RESPONSES TO IRREGULAR MIGRATION

A. THE EU AND ITS INSTITUTIONS

30. The European Union with its vast financial and institutional resources has the capacity to play a leading role in tackling the problem of migration on a strategic level as well as when dealing with population movement emergencies such as the 2011 "boat people" crisis. Since 2005, the European Commission has spent roughly €800 million on approximately 300 migration-related projects in non-EU countries. The European Commission has adopted a more value-based approach towards the MENA region, offering support in the field of migration management – through tailor-made "Mobility Partnerships" – as a part of the Partnership for Democracy and Shared Prosperity with the Southern Mediterranean", launched by President José Manuel Barroso on 8 March 2011. The EU still expects North African nations to step up their border management capacities, but it also promotes orderly and manageable migration to the EU and offers substantial assistance to civil society, development of democratic institutions, judiciary, economy, free media and education systems of these countries. The EU has allocated €130 million for projects in these areas in Tunisia, €152 million and €100 million on job creation and the green economy in Egypt. (Paoletti, 2011).

31. The EU has also stepped up the support for its Mediterranean member states: additional €370 million were allocated for projects in the field of border management and visa policy. Italy received €52 million in 2012 from the External Border Fund (up from €32 million in 2011); allocations were also increased to Malta, Cyprus, Spain, Greece, and France (Paoletti, 2011).

32. The most powerful tool that the EU has at its disposal, however, is Frontex, the EU's border management agency and also Europe's largest Search and Rescue (SAR) organisation, in operation since 2005. Although the 2011 refugee wave presented a serious challenge, the head of the Agency described the situation as "business as usual": the Mediterranean has been one of the most important theatres of Frontex's operational activities for years (Laitinen, 2011).

33. Apart from SAR services, one of the most important ways in which Frontex is currently adding value to the efforts of member states and other partners is intelligence gathering. The Agency has invested a great deal of money and effort into creating a state-of-the-art Situation Centre where all aspects of the current situation are monitored around the clock to provide as close to a real-time intelligence picture as possible for Frontex and external stakeholders.

34. Frontex, in co-operation with the countries of the region, was quite effective in reducing the scope of irregular migration in the Western and Central Mediterranean countries in recent years. However, smugglers and traffickers are also resourceful and constantly looking for new weakest spots. Shutting one corridor often means increased pressure on another.

35. Frontex's effectiveness has not reached expected levels because Frontex's own assets are limited and it is too dependent on member states' willingness to provide personnel and equipment. Currently several proposals are being negotiated in order to strengthen Frontex: 1) officially calling national border guards participating in Frontex missions "EU border guards" in order to increase visibility and political prestige of these missions; 2) to set up an advisory body to monitor the upholding of human rights in Frontex operations; the European Parliament's scrutiny mechanisms must be fully exploited. 3) Frontex must be able to purchase or lease at least a basic set of assets in order to reduce dependency on the good will of contributing nations (Buttill, 2011).

36. One of the key challenges the EU is facing is the harmonisation of its member states' asylum systems. According to UNHCR, currently the prospect of an asylum seeker to receive a refugee status varies between 8 and 91% across the EU member states. The treatment of refugees also varies greatly: as noted, Greece in particular was criticised in this regard, although improvements have recently been made. The EU must redouble its efforts helping border countries and ensuring that conditions at borders and asylum capacities are similar everywhere across the Union.

B. THE ROLE OF UNHCR AND IOM

37. On a global level, the Office of the UNHCR and the IOM are the key actors whose contribution to helping migrants and refugees, mitigating their suffering and saving human lives is invaluable.

38. In recent years, the rapidly growing number of refugees and related emergencies has put an enormous stress on UNHCR. During the first nine months of 2011, it deployed more than 600 emergency staff to 36 countries: two and a half times as many as in previous years. At one point in June 2011, some 300 members of UNHCR staff were deployed at the same time – 60 more than during the entire year of 2010. UNHCR is working with insufficient funds, and its head, former Portuguese Prime Minister Antonio Guterres has repeatedly called on the world's leaders to urgently make more resources available to refugee camps and resettlement programmes and to put more pressure on governments that are refusing to allow humanitarian agencies in.

39. The IOM focuses on migrants rather than refugees, and it offers expert advice, research, technical co-operation and operational assistance to states and international organisations in order to build capacities to tackle the challenges of migration management. IOM also seeks to advance the understanding of migration issues and to promote humane treatment of migrants. Its annual operating budget of close to use \$1 billion and some 5,400 staff working in over 100 countries worldwide. The recent emergencies, including the 2011 events in the Mediterranean, showed the need to enhance the IOM's operational and emergency response capacity: IOM is dependent on financial commitments by donors and these contributions take time to arrive, thus hindering IOM's ability to react swiftly. This problem was addressed in December 2011, when the IOM Council established Migration Emergency Funding Mechanism (MEMF), designed to bridge the gap between the period when an emergency occurs and when donor funding is received. MEMF will be primarily used to cover the cost of transport for migrants affected by emergencies. The United States has already made a substantial financial contribution to the fund, but this facility has yet to reach full capacity.

C. A ROLE FOR NATO?

40. As noted, it is not within NATO's mandate to deal with questions of migration and the problems of refugees. There are no references to these issues in the 1949 Washington Treaty, in the new Strategic Concept of 2010, in the one adopted in 1999 nor in the new Alliance Maritime Strategy of 2011. Bearing in mind limited resources at NATO's disposal and a long list of other priorities, the Alliance's role can only be indirect and complementary. Nevertheless, there are several areas where NATO can make a tangible contribution.

41. First, full use must be made of NATO Mediterranean Dialogue (MD) programmes that offer seminars, workshops, visits and training in a number of areas, including crisis management, civil emergency planning, border security and fight against terrorists and traffickers. MD programmes are being progressively expanded – from about 100 activities in 2004, to over 700 activities and events in 2011. Participating nations include Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia. Should Libya decide to join MD, it could benefit substantially from NATO's experience and expertise. However, given the sensitivities existing in the region, the principle of non-imposition – whereby MD partners themselves choose the pace and extent of their co-operation with NATO – should continue to be applied.

42. Second, as noted in the introduction, NATO's assets deployed in the Mediterranean – as part of the ongoing operation Active Endeavour – would be obliged by the international law to assist people in distress at sea. In fact, NATO ships and helicopters have already intervened on a number of occasions to rescue civilians on stricken oil rigs and sinking ships in the Mediterranean. This includes winching women and children off a sinking ship carrying some 250 refugees in January 2002 and helping to repair the damaged hull. According to the NATO Secretary General Anders Fogh Rasmussen, NATO's maritime assets in the Mediterranean rescued over 600 migrants in distress at sea. The core task of Active Endeavour is, however, to track, intercept and detect vessels suspected of links with terrorists and of carrying weapons of mass destruction.

43. In March 2012, the Parliamentary Assembly of the Council of Europe issued a report, authored by Ms Tineke Strik, member of the Dutch parliament. The Rapporteur investigated one particularly regrettable incident that took place in March-April 2011, when a boat carrying 72 sub-Saharan men, women and children left Libya, and, having floundered at sea for two weeks, was washed up back on the Libyan shores with only nine survivors. The report asserted that maritime assets of NATO and its member states were deployed in the vicinity (specifically the Spanish Navy warship *ESPS Méndez Núñez*, Italian vessels *ITS Etna* and *ITS Borsini* and an unidentified military helicopter) and allegedly failed to rescue these people.

44. NATO has investigated these claims and informed the Rapporteur that *ITS Etna* and *ITS Borsini* were, respectively, 155 and 37 nautical miles away from the reported position of a boat. The Spanish authorities confirm that *ESPS Méndez Núñez* received no notification requesting assistance to the boat in question. It is worth noting that a day before the incident, *ITS Etna* participated in a Search and Rescue operation saving 243 people on a boat, and *ESPS Méndez Núñez* was involved in two other SAR operations. Nevertheless, NATO and relevant Spanish and Italian authorities confirmed their willingness and readiness to further investigate the incident and to provide all necessary information.

45. During the 'boat people' crisis, NATO established close co-operative relations with IOM, UNHCR in order to better co-ordinate assistance for migrants at sea. Whenever migrants were spotted, this information was sent to both the responsible national coast guard as well as to IOM and UNHCR. This practice should be further developed in future.

46. Third, NATO is developing substantial expertise in helping nations to deal with humanitarian emergencies through its Euro-Atlantic Disaster Response Coordination Centre (EADRCC), a "24/7"

focal point for co-ordinating disaster relief efforts among member and partner countries. The Centre's record in assisting nations stricken by natural or man-made disasters is indeed impressive; it was most notably involved in coping with the aftermath of Hurricane Katrina in the United States as well as the 2005 earthquake and 2010 floods in Pakistan. In 1998-99, shortly after its creation, the EADRCC was involved in mitigating the refugee crisis in Kosovo. Recently, access to the Centre was granted NATO Mediterranean Dialogue countries. It must be noted, however, that in accordance with NATO's subsidiary role in civil emergencies, the EADRCC is used only if called upon, and priority is given to member states and to relevant international organisations, particularly the United Nations.

V. CONCLUSIONS

47. The substantial increase of refugees and irregular migrants fleeing from turmoil in the MENA region in the first half of 2011 presented a serious challenge to Euro-Mediterranean nations, and brought up legitimate questions about fair burden-sharing and Europe's solidarity in the face of a crisis. However, it is already clear that the most alarmist predictions did not come true: the 'biblical exodus' from North Africa to Europe did not happen. For the EU as a whole, dealing with the Arab Spring migrants and refugees would seem like a manageable problem: 60,000 "boat people" is not an extraordinary number comparing to the annual average of more than half a million apprehensions of irregular migrants across the whole EU. By working together, European nations do have a capacity to deal with such crises in the future.

48. The Rapporteur shares the view advocated by the EU leadership that international migration has many benefits and it contributes decisively to the economic growth of our countries. We do not, however, have the resources to decently receive all the migrants hoping to find a better life here. Poorly managed immigration may disrupt the social cohesion of the countries of destination. The organisation of immigration must consequently take account of Europe's reception capacity in terms of its labour market, housing, and health, education and social services, and protect migrants against possible exploitation by criminal networks (The European Commission, 2011).

49. Irregular migration can legitimately be viewed as undermining the exercise of state sovereignty, as any state has the right to control who crosses its borders and is resident on its territory. However, this challenge should be addressed in a manner that does not violate our commitment to the values of human rights, dignity and solidarity. Irregular migration and flow of refugees is primarily a humanitarian rather than a security challenge (Koser, 2011). Still, failing to control and manage migration risks undermining public confidence in the integrity of government policy.

50. The human rights dimension should become more prominent: stricter security measures (for instance, granting Frontex the right and capacity to process personal data obtained during its missions in order to combat cross-border criminal activities) must be accompanied by the introduction of safeguards that prevent the abuse of these rights. One should welcome the Frontex Fundamental Rights Strategy, which aims to embed the respect of fundamental rights and freedoms in every aspect of Frontex's work (FRONTEX, 2011).

51. Better border control is a necessity; but coast guards must be very careful when applying bold and rigid security measures: experience in the Red Sea shows that human traffickers, when confronted by coast guards, tend to simply abandon their boats and escape, thus putting the lives of their passengers in danger (Marima, 2011). Administrative border control measures alone are not sufficient, not least because criminals keep finding new ways to smuggle people into the EU. Focus should shift more towards prevention. No silver bullet can solve all problems relating to irregular migration: they require patience and commitment, and they can only be effectively addressed by a combination of co-operation with countries of origin, countries of transit, better border control and a comprehensive immigration strategy within the EU itself.

BIBLIOGRAPHY

- BBC. (2011, 09 19). *Libya conflict: Europe failing Libya's refugees - Amnesty*. BBC News: <http://www.bbc.co.uk/news/world-africa-14977155>
- Buttill, S. (2011). The EU Border Guards that Frontex needs. *The European - Security and Defence Union*, 11-12.
- FRONTEX. (2011, 09 21). *Frontex's Reaction to HRW report*. FRONTEX: http://www.frontex.europa.eu/newsroom/news_releases/art112.html
- Guterres, A. (2011, 10 03). *Opening Statement by United Nations High Commissioner for Refugees, to the 62nd Session of the Executive Committee of the High Commissioner's Programme*. UNHCR: [http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4e89a67b9&query=arab spring](http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4e89a67b9&query=arab%20spring)
- Koser, K. (2011, 03 31). *When is Migration a Security Issue?* Brookings: http://www.brookings.edu/opinions/2011/0331_libya_migration_koser.aspx
- Laitinen, I. (2011). Frontex and the crisis in the Mediterranean. *The European - Security and Defence Union*, 14-16.
- Lewis, B. (2011, 05 13). *U.N. says 10 percent fatality for Libya sea migrants*. Reuters: <http://uk.reuters.com/article/2011/05/13/us-libya-migrants-idUSTRE74C35N20110513>
- Marima, T. (2011, 04 14). *Our seas of dead Africans*. Al Jazeera: <http://www.aljazeera.com/indepth/opinion/2011/06/201161391259141111.html>
- McDonough, P. (2012, 01). *Putting solidarity to the test: assessing Europe's response to the asylum crisis in Greece*. UNHCR: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4f269d5f9&query=lampedusa>
- Nadeau, B. L. (2011, 06 12). *Exodus*. Newsweek: <http://www.thedailybeast.com/newsweek/2011/06/12/thousands-of-refugees-fleeing-north-africa.html>
- Paoletti, E. (2011). *Migrations and Revolutions: Reflections on the Recent Events in North Africa from an International Relations Perspective*. Paris: IFRI Center for Migrations and Citizenship.
- The Economist. (2011, 04 11). *The next European crisis: boat people*. The Economist Online: http://www.economist.com/blogs/charlemagne/2011/04/north_african_migration
- The European Commission. (2011, 05 26). *Managing immigration fairly and effectively*. The European Commission - Justice and Citizens' Rights: http://ec.europa.eu/news/justice/110526_en.htm
- Triandafyllidou, A. (2012). *Greece: How a State in Crisis Manages its Migration Crisis?* Paris: IFRI Center for Migrations and Citizenship.
- Ulack, C. (2011, 06 23). *The Arab Spring's looming refugee crisis*. Foreign Policy: http://mideast.foreignpolicy.com/posts/2011/06/23/the_arab_spring_s_looming_refugee_crisis
- UNHCR. (2012, 01 31). *Mediterranean takes record as most deadly stretch of water for refugees and migrants in 2011*. UNHCR: <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4f27e01f9&query=mediterranean>
- Wheeler, W., & Oghanna, A. (2011, 10 21). *After Liberation, Nowhere to Run*. The New York Times/International Herald Tribune Sunday Review: http://www.nytimes.com/2011/10/30/opinion/sunday/libyas-forgotten-refugees.html?_r=2&pagewanted=all
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