



MINISTERU TAL-ĠUSTIZZJA U L-INTERN
Ministry for Justice and Home Affairs

Il-Ministru

The Minister

10th March, 2011

Mr Ilkka Laitinen
Executive Director
FRONTEX
Rondo ONZ 1
00-241 Warsaw
POLAND

Dear Ilkka,

ASSISTANCE REQUIRED BY MALTA IN THE CONTEXT
OF THE CRISIS IN LIBYA AND THE NORTH AFRICAN REGION

As you are undoubtedly aware, recent events in North Africa and the Middle East have already caused a significant migratory influx from Tunisia to Italy. Moreover, the current situation in Libya has led to an exodus of expatriates towards the land borders with Tunisia and Egypt. So far, no illegal migratory influxes from Libya towards the EU have been recorded; however the turn of events in the country leads me to believe that such influxes may commence in a matter of weeks, if not days. It is considered that such an influx could assume unprecedented proportions. If the patterns observed in respect of the crossings from Tunisia to Lampedusa are repeated in the case of Libya and Malta, Malta would find itself dealing with an unmanageable situation in less than a week. It is anticipated that such an influx would mainly comprise Libyan nationals fleeing the escalating violence in the country, particularly as many foreigners have already left the country.

In the face of such a probable scenario, it is felt that preparatory measures must be taken before this situation unfolds. We should not wait for the crisis to take place before we act.

An influx such as the one envisaged would effectively challenge Malta's capabilities in respect of maritime border surveillance, as well as border control, once the migrants are received on land. However, the operation would go beyond mere

border surveillance and control, in view of its humanitarian implications. These are definitely not to be underestimated.

In the light of this scenario it is envisaged that Malta would require assistance from FRONTEX and the Member States through a FRONTEX Joint Operation in conjunction with the deployment of a Rapid Border Intervention Team.

The principal aim of a FRONTEX Joint Operation would be to ensure the safety of migrants at sea, particularly should significant numbers of boats attempt the crossing towards Europe within a short period of time.

Such a Joint Operation would require the contribution by other Member States of air surveillance assets, as well as the marked and substantial presence of maritime assets capable of conducting search and rescue operations. It is to be borne in mind that, in the event of the anticipated influx, Malta would not have sufficient assets to deal with the situation. Evidently, this would be to the detriment of safety of life at sea; something that Europe must address as a matter of duty.

The setting up a Joint Processing Centre would be an essential requirement. Such a centre would serve as a temporary post of first reception capable of handling a considerable influx of displaced persons rescued at sea. It would have to be located in a Member State having the physical and logistical capability of receiving large numbers of migrants within a comparatively short period of time. Following due processing, these would subsequently be relocated to other Member States in accordance with a pre-determined equitable mechanism, that reflects the spirit of EU solidarity and would benefit directly the affected persons themselves. This would also ensure that relevant reception standards are maintained at all times despite the difficulties posed by the envisaged scenario.

The abovementioned Joint Operation would have to be conducted in line with the following provisos:

- a) The Operation would be conducted in accordance with an Operational Plan which must be agreed to by all parties beforehand;
- b) The Operational Plan would not follow the non-binding Guidelines laid down in Part II of the Annex to "Council Decision 2010/252/EU supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union;"

- c) The Operational Plan would factor in the identification of a suitable location for the setting up of a Joint Processing Centre and its effective putting in place; and,
- d) The Operation would be conducted in international waters.

Further to the conducting of a Joint Operation, Malta is also hereby requesting the deployment of a Rapid Border Intervention Team, which would include experts in all the relevant fields, namely:

- a) Personnel and supporting resources to receive the migrants and carry out preliminary interviews as necessary upon their arrival;
- b) Advanced-level document experts;
- c) Debriefing experts;
- d) Screening experts;
- e) Interpreters; and
- f) Escorting Officers.

The teams would be expected to operate under the control and command of the pertinent competent authorities. It is anticipated that most of the experts would work from the location of the Joint Processing Centre.

Kindly treat this request with urgency by initiating the relevant mechanisms in order for the commitments to this operation to be made at the earliest possible because, irrespective of the scenario that might unfold, I reiterate that we cannot wait for the crisis to occur before we start taking action.

Yours sincerely,



CARMELO MIFSUD BONNICI
Minister of justice and Home Affairs

cc: Ms Cecilia Malmström, European Commissioner responsible for Home Affairs