EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

FINAL PROGRAMME

Public Hearing

on

Tragedies of Migrants at sea

Tuesday 3 July 2007

9:00 – 12:30

Room PHS 1A002
(Paul-Henri Spaak building)
Brussels

INTRODUCTION

According to the International Centre on Migration Policy Development, some 100.000 to 120.000 irregular migrants cross the Mediterranean each year, with about 35.000 coming from sub-Saharan Africa, 55.000 from the south and east Mediterranean and 30.000 from other (mainly Asian and Middle Eastern) countries. It also estimated that, over the last decade, a total of at least 10.000 have died trying to cross the Mediterranean and reach Europe's southern shores[1].

The situations migrants face crossing the Mediterranean have been covered extensively in the media recently. This surge in interest has been mainly due to the tragic events which took place in the centre of the Mediterranean at the beginning of June 2007.
However, these events are not confined to one specific area of the Mediterranean: recently, such events also happened in the Atlantic or in other regions of the Mediterranean. Moreover, these tragedies are not only a European phenomenon: they have also taken place for example between Haiti, Cuba or the Dominican Republic and the US.

These tragic events have also created an intense political discussion: they were addressed during the European Parliament's plenary session on 6 June 2007, during the Justice and Home Affairs Council on 12-13 June 2007 and again at the European Council on 21-22 June 2007. The European Commission has also recently published a Staff Working document on the international law instruments in relation to illegal immigration by sea[2].

It is broadly recognised that the focus must be on saving the lives of migrants in distress at sea. This is a longstanding maritime tradition as well as an obligation enshrined in international law. This principle is based on two international Conventions:
- Article 98(1) of the 1982 United Nations Convention on the Law of the Sea provides that "*every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers: (a) to render assistance to any person found at sea in danger of being lost; (b) to proceed with all possible speed to the rescue of persons in distressed, if informed of their need of assistance, in so far as such action may reasonably be expected of him".*
- Regulation 33(1) of the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) provides that the "*master of a ship at sea which is in a position to be able to provide assistance, on receiving information from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so"*[3].
The obligations of States are also defined, such as for example in the 1979 International Convention on Maritime Search and Rescue (SAR Convention) which obliges State Parties to "*ensure that assistance be provided to any person in distress at sea (...) regardless of the nationality or status of such a person or the circumstances in which that person is found*" (Chapter 2.1.10) and to "*(...) provide for their initial medical or other needs, and deliver them to a place of safety*" (Chapter 1.3.2).
However, the interpretation of these conventions is in question, for example as regards the

[1] ICMPD (2004), *Irregular transit migration in the Mediterranean - some facts, futures and insights,* Vienna
[2] SEC (2007) 0691
[3] IMO - UNHCR, "*Rescue at sea: A guide to principles and practice as applied to migrants and refugees*", http://www.imo.org/Facilitation/mainframe.asp?topic_id=1437

place of disembarkation and as regards the question of the State responsible for the migrants found at sea.

These tragedies in the Mediterranean are linked not only with other EU policies such as the development policy towards the Northern African countries, the EU migration and asylum policy but also with the general obligation for EU Member States to respect fundamental rights (even outside the EU territory) and all founding principles of the EU and the interpretation of the EU solidarity when Member States are faced with exceptional circumstances as the Southern Member States are facing now.
The European Parliament, and in particular the LIBE committee have long asked for the reform of Dublin II[4]. However, it may take months, or even years before it is adopted.
It is also widely recognised that cooperation with third countries as regards border control and surveillance in the Mediterranean should be enhanced, however, it proves difficult to implement.

The role of Frontex has also been highlighted during the recent events and they were asked to play a more extensive role of in the region. However, it has to be remembered that, although Frontex is responsible for coordinating Member States' actions as regards border control, the responsibility of border management lies with Member States. Moreover, Frontex's capacity of action depends on the technical means provided by the Member States (the 'toolbox') and on its capacity to handle, in exceptional cases, humanitarian crises.

This public hearing is intended to present the current situation in the Mediterranean (from a legal but also a concrete point of view). It will also focus on the practical cooperation at sea between Member States and on the role of Frontex. This public hearing will also try to highlight some possible ways to prevent these events from taking place again.

[4] see the Report from the Commission to the European Parliament and the Council on the evaluation of the Dublin system (COM(2007)299) and the Green Paper on the future Common European Asylum System (COM(2007)301)

9:00 - 9.15
OPENING SESSION

- **Mr Jean-Marie Cavada**, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

- **Mrs. Constança Urbano de Sousa,** Portuguese Presidency, JHA Coordinator, Portuguese Permanent Representation

9.15 - 10.00
SESSION I

OVERVIEW OF THE SITUATION

This first session aims to present the current situation from both a concrete and legal point of view. How are these situations dealt with on a daily basis? Which legal provisions are applicable to such cases? Are they interpreted in a uniform way?

Concrete situation and recent events in the Mediterranean

Mr. Paolo Artini, Senior Regional Protection Officer, Office of the United Nations High Commissioner for Refugees (UNHCR), Rome

Legal framework

Mr. Christopher Hein, Director of the Italian Council for Refugees, Member of the European Council on Refugees and Exiles and of the Euro-Mediterranean Human Rights Network

Discussion

10.00 - 11.15
SESSION II

PRACTICAL COOPERATION AT SEA

Border management is the responsibility of Member States. However, Frontex was asked to play an increasing role at the EU external borders. What can it actually achieve? Can Frontex patrols in the Mediterranean solve part of the problem? It seems that the patrols in the Canary Islands are effective in preventing fatalities. What are Member States' positions on how to improve practical cooperation in the Mediterranean? What are the positions of the Northern African countries, which are also affected by these events?

Positions of Member States and candidate countries

Mr. **Richard Cachia Caruana**, Ambassador and Permanent Representative of Malta to the European Union

Mr. Vassilis Ph. Demetriades, Counsellor on Maritime Affairs, Permanent Representation of the Republic of Cyprus to the European Union

Mr. Ioannis Kourouniotis, Counsellor on Maritime Transport, Permanent Representation of Greece to the European Union

Mr. Eugenio Burgos Nieto, Counsellor on Home Affairs, Permanent Representation of Spain to the European Union

Mrs. Elif Comoglu-Ulgen, Counsellor, Permanent Delegation of Turkey to the European Union

Representative of the Permanent Representation of Italy (to be confirmed)

Practical cooperation with African countries

S.E.M. Menouar Alem, Ambassador, Head of the Mission of Morocco to the European Union

S.E.M. Mame Balla Sy, Ambassador of Senegal to the European Union (to be confirmed)

S.E.M. Mahomed Fayçal Lakhoua, Ambassador of Tunisia to the European Union

Discussion

11.15 - 12.30
SESSION III

HOW TO PREVENT SUCH TRAGEDIES IN THE FUTURE?

These tragic events have been broadly discussed in the past months, both in the European institutions and in civil society. It is possible now to take stock of the potential solutions that have been put forward by all actors. What is feasible in the short term to prevent such tragedies? What could be the long term strategy?

Initiatives from the Council after the JHA and European Councils

Mrs. Constança Urbano de Sousa, Portuguese Presidency, JHA Coordinator, Portuguese Permanent Representation

Proposals from the European Commission

Mr. Jean-Louis De Brouwer, Director for Immigration, Asylum and Borders, Directorate-General Justice, Liberty and Security, European Commission

Perspectives from an NGO

Mr. Pierre-Arnaud Perrouty, Legal advisor at the Ligue des Droits de l'Homme (Belgium) and Member of the Management Board of Migreurop

Perspectives from an academic

Prof. Fulvio Vassallo Paleologo, Facoltà di Giurisprudenza dell'Università di Palermo

Discussion with all participants

ANNEX

PRACTICAL GUIDELINES FOR THE DEBATE

The floor will be given to Members in the order in which requests are received.
Speakers wishing to supplement their speeches may do so in writing by submitting documents (preferably in English or French) in advance to the secretariat (email: ip-libe@europarl.europa.eu).These documents will be circulated during the meeting.

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE HEARING

This seminar is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the seminar secretariat (ip-libe@europarl.europa.eu) by **29 June 2007**. It is essential to provide us with your full name, address and date of birth. Without this information, the Security Service will not provide entry passes.

Simultaneous interpretation will be available in the following languages : EN, FR, DE, IT, NL, ES, HU, EL, PT, RO, SV, PL

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