Agenda

- The migration flow in the Mediterranean
- The ongoing military operations: Mare Sicuro, FRONTEX TRITON Operation, EUNAVFOR MED Operation SOPHIA
- The main legal issues
- The NGO Code of Conduct
- Some Perspectives
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Types of vessels provided by smugglers

- Rubber: 70%
- Wooden: 21%
- Fishing: 7%
- Sailing vessel: 2%

Source: Joint Operation Triton/Maritime Rescue Co-ordination Centres Rome
An update and Italian perspective on legal issues arising from refugee migration, rescue and loss at sea

EUNAVFRO MED Op SOPHIA NGOs/Independent Deployers
TRITON (FRONTEX)
Mare Sicuro (ITA)
POSEIDON (FRONTEX)
NATO Op. Aegean Sea
AIMS

- Disrupt the smugglers and traffickers activities and networks.
- Prevent further loss of life at sea.
- Reduce suffering of migrants and their exploitation by criminal organisations.
The coordination of rescue activities: the Italian Maritime Rescue Coordination Center (IMRCC)

- The Italian Coast Guard Headquarters is in charge of the I.M.R.C.C. functions;
- coordinates all the activities aimed at the search and rescue of human life at sea in the entire region of interest of Italy, which overcomes its territorial waters boundaries;
- keeps contact with the rescue coordination centers in other states to ensure international cooperation.

Source: www.guardiacostiera.gov.it
**ITALIAN COAST GUARD**

Search and Rescue (S.A.R.) activity in the Central Mediterranean Sea  
**JULY 2017**

Number of Search and Rescue operations coordinated by the Italian Maritime Rescue Coordination Center (I.M.R.C.C.):  
**91**

Number of persons rescued under the coordination of the I.M.R.C.C.:  
**9,922**

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<thead>
<tr>
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<th>Persons</th>
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<tr>
<td>ITALIAN COAST GUARD</td>
<td>2,755</td>
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<tr>
<td>ITALIAN NAVY</td>
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<td>FRONTEX - Triton Operation (Italian Coast Guard, Guardia di Finanza and Carabinieri cofinanced assets included)</td>
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<td>MERCHANT VESSELS</td>
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<td>CARABINIERI</td>
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Source: Adapted from https://ec.europa.eu/epsc/publications/strategic-notes/irregular-migration-central-mediterranean_en

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The Italian Navy operation MARE SICURO

- Deployed on March 12, 2015, it was initially aimed at protecting the Italian national interests in the Central Mediterranean and ensuring maritime security in relation to the terrorist threat.

- Following a formal request of the Libyan Government of National Accord (GNA), the area of operation has been extended to the **Libyan Territorial Waters** on August 2, 2017.

- The presence in the Libyan territorial waters is aimed at supporting the Libyan Navy Coast Guard, upon request.
FRONTEX

FRONTEX is the European Border and Coast Guard Agency. Its mission is to promote, coordinate and develop European border management in line with the EU fundamental rights charter and the concept of Integrated Border Management.

In this framework, **OPERATION TRITON**

- supports Italy with border control, surveillance and search and rescue in the Central Mediterranean.

- Its operational area covers the territorial waters of Italy as well as parts of the search and rescue zones of Italy and Malta, stretching 138 nautical miles south of Sicily.
EUNAVFOR MED Operation SOPHIA

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1. Reinforce the Joint Operations in the Mediterranean, namely Triton and Poseidon;

2. **A systematic effort to capture and destroy vessels used by the smugglers;**

3. EUROPOL, FRONTEX, EASO and EUROJUST will work closely to gather information on smugglers modus operandi, to trace their funds and assist in their investigation;

4. EASO to deploy teams in Italy and Greece for joint processing of asylum applications;

5. Member States to ensure fingerprinting of all migrants;

6. Consider options for an emergency relocation mechanism;

7. An EU wide voluntary pilot project on resettlement;

8. Establish a new return programme for rapid return of irregular migrants;

9. Engagement with countries surrounding Libya;

10. Deploy Immigration Liaison Officers (ILO) in key third countries, to gather intelligence on migratory flows and strengthen the role of the EU Delegations.
Disrupt the business model of migrant smuggling and human trafficking networks
MISSION

Undertake systematic efforts to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to contribute to wider EU efforts to disrupt the business model of migrant smuggling and human trafficking networks in the Southern Central Mediterranean.
Capacity building and training of the Libyan Navy Coastguard

Contributing to information sharing and implementation of the UN arms embargo on the High Seas off the coast Libya

Started on 24 October 2016

Started on 6 September 2016

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SAR IS NOT PART OF THE MANDATE
HOWEVER A LEGAL OBLIGATION
ARISES FROM INTERNATIONAL LAW OF THE SEA

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Customary Law

United Nations Convention on the Law of the Sea (UNCLOS), 1982, Article 98(1) & (2);

IMO International Convention for Safety of Life at Sea (SOLAS), 1974 as amended, Chapter V, Regulations 7 and 33; and


(IMO Resolution MSC.167(78), Guidelines on the Treatment of Persons Rescued at Sea)
Interplay of several fields of Law:

- International law of the Sea
- International Human Rights Law (e.g. ECHR)
- International Refugee Law (principle of *non refoulement*)
- EU Law (Asylum System)
Migrant Smuggling and Human Trafficking as crimes:


- Council of Europe Convention on Action against Trafficking in Human Beings done in Warsaw on 16th May 2005;
Some topics at stake

- Entering into Libyan Territorial Waters
- SAR in relation to large scale events
- Place of Safety
- Prosecution of suspected migrant smugglers/human traffickers
Main Points
• Ban on the entry into Libyan territorial waters (which can be reached only if there is an evident danger of human life at sea);
• not to facilitate contacts with traffickers (light signals, telephone communications);
• receive on board judicial police officers for investigation related to trafficking of human beings;
• inform the Flag State of all the activities;
• hold a certification attesting technical suitability for rescuing activities;
• cooperate loyally with Public Security Authorities of migrants’ landing location;
• transmit all information of info-investigative interest to the Italian Judicial Police Authorities;
• recover the boats and their engines.
Some Perspectives

- Political dialogue with Libya
- EU comprehensive approach to migration
- Functioning of SAR areas
Thank you for your attention!