

KEYNOTE SPEECH - Combat Human Smuggling and Trafficking and establishing a humane and effective Return and Readmission policy

Introduction

The topic of migration quickly rose to the top of the agenda of many regional and international organisation as a result of the European refugee and migration crisis; and yet, the challenge of migration in Europe goes back a good number of years.

Malta has placed the topic of migration amongst its most important Foreign Policy areas, and indeed, migration features among the top priorities of the current Maltese Presidency of the Council of the EU.

Over the years, the migration phenomenon has evolved, undergoing a number of changes that are worth noting, as are the emergence of new migratory routes, the increase in the number of migrant children, particularly those unaccompanied, and the alarming spread of smuggling and trafficking networks.

Given the vast subject and all the important developments currently underway, both nationally, regionally and globally, I will be focusing my intervention on human smuggling and trafficking networks and ways by which to counter these expanding illicit businesses. The second topic I will focus on is that of return and readmission.

Human Trafficking and Smuggling of Migrants

Allow me to start with the premise that despite the strong correlations and interlinkages between human trafficking and the smuggling of migrants, they are in principle different and manifest themselves differently. However, for today's purpose, I shall be addressing both phenomena collectively, given that the aim is to discuss ways to counter them.

If one looks at the increasing in migratory flows, especially those from Africa to Europe utilising the Central Mediterranean route, it is clear that the rise of such flows, which from year to year seems to be increasing considerably, correlates with the effective spread of smuggling and trafficking networks in Africa.

The continuing instability in Libya provides fertile ground for the establishment of illicit businesses, as is the case for smuggling and trafficking networks, which profit from the lack of proper border control and authority in the country.

It is therefore very clear that Libya is key to smuggling and trafficking networks and assisting in the political stability of Libya should be amongst our top priorities.

Concurrently, it is also clear that we cannot afford to lose time and operational action is needed, in agreement with the Libyan authorities, to seek to mediate the current status quo.

It was with this reasoning that Heads of State and Government agreed on the adoption of the Malta Declaration during the Informal Summit meeting that took place in Malta on 3 February 2017.

The Malta Declaration provides a number of operational proposals, which have at their core the aim of saving lives and of breaking the business model of smugglers. The Declaration reaffirms the determination to take decisive action, in full respect of human rights, internal law and European values.

The Declaration calls for the provision of training to Libyan coastguards and seeks to improve the socio-economic situation of local communities in Libya. The thinking is simple but effective - it recognises that it is only through stable communities with solid and operable infrastructure that the country can rebuild itself, whilst in the process doing away with its underground economy.

It is also within this perspective that Malta is proposing to EU Member States the drafting of new legislation aimed at further disrupting the business models of human smugglers and traffickers. This thinking has been informed by experience at the national level involving Malta's export control authorities and cases involving equipment destined to Libya, which was very likely intended for the end use of smugglers and traffickers. While Malta has always tended to err on the side of caution on matters relating to export control, and exercises a very high degree of vigilance, the Ministry for Foreign Affairs has been arguing that it has become increasingly clear that there is somewhat of a gap when it comes to the transfer of certain goods to countries of transit such as Libya. We believe that there is further scope for the international community to disrupt these business models by addressing gaps that smugglers and traffickers could take advantage of in their illicit operations. Action on this front would be fully in line with the Malta Declaration.

We must also keep in mind the important work carried out by the EU's CSDP Missions. EUNAVFOR MED / Operation Sophia is the perfect illustration of this, apprehending 109 suspected smugglers and traffickers and removing 442 boats from the hands of criminal organisations, while at the same time training Libyan Coast Guards in the hope that one day they will be able to manage effectively Libya's territorial waters and sea borders.

It is important to address traffickers and smugglers not only at sea, but also on land and through a regional approach. Initiatives such as the Khartoum Process are very important to develop cooperation at bilateral and regional level and improve national capacity building, while providing a forum the sharing of knowledge and best practices.

As stated earlier in my introduction, the number of migrant and refugee children is on the rise. In 2015 and 2016, 36% of asylum applicants in the EU were children. There has been a six-fold increase in the total number of child asylum applicants in the last six years. In 2016, 63,300 asylum seekers applying for international protection in EU Member States were considered unaccompanied minors, down by about a third compared with the 96,500 unaccompanied minors registered in 2015. That being said, in 2016, 28,000 minors crossed into Europe through the Central

Mediterranean route, representing 15% of all disembarkations through this route, the vast majority of which were unaccompanied (91%). This represents an increase from 2015, when minors contributed to 10% of all disembarkations, and 75% of which were unaccompanied. By 19 May, children constituted of 16.4% out of the total 55,374 crossings across the Mediterranean Sea in 2017.

Apart from the relatively large numbers, what is also alarming are the reports of thousands of migrant children having gone missing. Such articles dominated the news last year and as policy makers, we cannot turn a blind eye to such alarming and devastating news.

Children are amongst the most vulnerable of society, and as migrants, their vulnerability is aggravated. Especially in instances when they are unaccompanied, they become prey to abuse, sexual exploitation, slavery, and are very likely to end up in the hands of human smugglers or under the control of traffickers. We need to act, and we need to act decisively to protect children from these risks whilst ensuring that our actions are in the best interest of the child. This therefore calls for a comprehensive approach for the protection of children in migration at all stages of the migratory journey.

As a Member State of the Council of Europe (CoE), we support the focus being given by the Organisation to the topic of unaccompanied migrant and refugee children, particularly through the recent Action Plan, which contains proposals aimed at ensuring better protection, integration and child-friendly procedures. The CoE's efforts in this field has placed the Organisation at the centre-stage of the child-migrant discourse.

Apart from children, we have also witnessed a rise in the number of female migrants, who are also in a more vulnerable situation when compared to their male counterparts. We have noted that the trafficking of Nigerian women reaching Italy by boat is on the rise and, according to the International Organisation for Migration, eighty percent of these are victims might be destined for work in the sex trade across Europe.

We need to also recall our commitments in seeking to eliminate human trafficking and modern slavery, as part of the Sustainable Development Goals in fulfilment of Agenda 2030. Such goals should be further complemented by global solutions and cross-border cooperation.

Returns and Readmission

Moving on to discussing returns and readmission, we can all agree that return and readmission agreements are central elements of any effective cooperation on migration matters. Here I wish to emphasise the notion of effectiveness - nationally and also regionally we have embarked on a mission to seek to agree on migration cooperation agreements with third countries. The reality is however that whilst several agreements have been concluded, the application of an effective return and readmission agreement remains limited, and in some cases nil.

The concept of return and readmission is clearly stated in Article 13 of the Cotonou Partnership Agreement, yet despite the legal nature of this Agreement, we all know the lack of success in implementing Article 13, also as outlined in the Joint Communication issued by the EEAS and the Commission in November 2016.

We therefore have to ask ourselves why this is so. Readmission of a country's own nationals is an obligation under international law. However, cooperation remains sparse despite intensified efforts at EU level aimed at enabling countries of origin to implement this obligation. In fact, the EU has so far concluded 17 readmission agreements and in June 2016, the Commission launched a new Partnership Framework with third countries to better manage the external aspects of migration in a coordinated and effective way through tailor-made approaches with third countries. This new approach builds on the comprehensive approach to migration, which forms the basis of the Joint Valletta Action Plan agreed by European and African Heads of State and Government in November 2015, having a strong focus on return, readmission and reintegration, among its other pillars.

At a national level, together with the Ministry for Home Affairs and National Security, we have signed MOUs on migration-related matters with Burkina Faso, Nigeria and The Gambia and we currently discussing the possibility of such agreements with other African countries.

We believe that more needs to be done to implement an effective and humane return policy, as an integral element of the EU's comprehensive approach to addressing migration and mobility.

We thus support increased efforts aimed at implementing an effective returns policy, possibly through the finalisation of specific return arrangements with key countries of origin through tailor-made agreements. An effective returns policy implemented with the full support of African countries of origin would also act as a deterrent for future migration, thus mitigating against loss of life during the migratory journey.

At this critical juncture where reportedly crossings have trebled in their numbers, we have to keep an open mind regarding options that could work in the very short term. We are aware that African governments are very wary about returns and readmission for a number of reasons, eminent of which is remittances and public perception.

With a view of curbing migratory flows, we believe that there is scope to deepen our cooperation in this field, starting with those countries from where the highest amounts of migrants originate. Nigeria is one such country. Last year nearly 40,000 Nigerians were disembarked on Italian shores. We should continue working on returns and readmission with this country but in the meantime, we should work at putting in place an emergency mechanism which would assist in avoiding those Nigerians falling prey to the perverse human smugglers network.

We also need to invest in legal channels of mobility, such as through the provision of scholarships, grants and opportunities for researchers. Whilst assisting in the development of new skills, it is imperative that once the term of stay is over, migrants retain to their home countries, taking back with them the skills they developed

during their stay in Europe, thus countering against brain drain from countries of origin, towards a new “brain gain”.

We need to invest in information campaigns in countries of origin whereby potential migrants are informed of the realities in Europe, and are warned of the risks of embarking on dangerous journeys.

We also need to step up our efforts on voluntary return, and here I commend all the work being done by the International Organisation for Migration in implementing voluntary return projects and assisting in their reintegration back in society through a package of assistance.

Conclusion

I have dedicated my time to speak about two contemporary challenges being experienced by Africa, the Mediterranean and Europe alike. We believe that the success of smuggling and trafficking networks is intimately linked to the success of an effective returns and readmission policy.

It is only through an operational returns system to countries of origin that we can truly limit the number of potential economic migrants, offering a disincentive for the dangerous migratory journey to take place, and mitigating against loss of life and abuse by smuggling networks. By cutting the steady flow of migrants, we will be cutting the life-line of the illicit smugglers and traffickers who are currently operating freely in parts of Africa and who disregard of all forms of human rights and dignity.

I believe that a common factor important in our efforts to address both elements is the need for more information campaigns in countries of origin that would show the reality of what migrants experience when trying to embark on a journey to Europe using illegal means, rather than being fed incorrect information by criminals lurking around their next victims. Such information campaigns should also stress that any economic migrants arriving in Europe through irregular means, will be sent back.

Cooperation on migration is a need and no longer a choice and I thank you for allowing me to share my thoughts on this important subject that is close to the work of my Ministry and to which Malta has been dedicating much time and resources.